

Dies and Parkhouse: Memorial resolution for Dr. George William Nordholtz Eggers.

S. R. No. 522—By Senator Schwartz: Memorial resolution for Dr. Wendell Daniel Gingrich.

SIXTY-SEVENTH DAY

(Monday, May 13, 1963)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	Word

Absent—Excused

Hall

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the preceedings of Thursday, May 9, 1963, was dispensed with and the Journal was approved.

Leave of Absence

Senator Hall was granted leave of absence for today on account of important business on motion of Senator Word.

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 326, A bill to be entitled "An Act amending Section 3 of House Bill 352, Acts of the Forty-fifth Legislature, Regular Session, 1937, Chapter 436, Page 893, as amended (codified as Article 5221c of Vernon's Revised Texas Statutes) relating to the inspection of boilers; revising the list of boilers exempt from the provisions of the Act; and declaring an emergency."

H. B. No. 356, A bill to be entitled "An Act giving preference to bids made by firms resident in Texas for the sale of supplies, material or equipment in contracts made by agencies of the State for the purchase of supplies, material or equipment; requiring payment of a fee by non-resident firms as a condition precedent to submission of bids to public agencies; providing that the provisions of this Act shall be cumulative; containing a severability clause; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk House of Representatives

Senate Resolution 524

Senator Hardeman offered the following resolution:

Whereas, Today is the birthday of our esteemed colleague, Senator George Parkhouse; and

Whereas, It is the desire of the Senate to extend greetings and felicitations to him on this anniversary of his birth; now, therefore, be it

Resolved, That we wish him happy birthday and many happy returns of the day.

HARDEMAN

Signed—Preston Smith, Lieutenant Governor; Aikin, Bates, Blanchard, Calhoun, Cole, Colson, Creighton, Crump, Dies, Hall, Harrington, Hazlewood, Herring, Kazen, Kennard, Krueger, Moffett, Moore, Owen, Parkhouse, Patman, Ratliff, Reagan, Richter, Rogers, Schwartz, Spears, Strong, Word, Watson.

The resolution was read.

On motion of Senator Colson and

by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was then adopted.

House Bill 291 Re-referred

On motion of Senator Cole and by unanimous consent H. B. No. 291 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Education.

House Bill 768 Re-referred

On motion of Senator Aikin and by unanimous consent H. B. No. 768 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Counties, Cities and Towns.

Senate Resolution 526

Senator Hardeman offered the following resolution:

Resolved by the Senate of Texas that the following rules of conduct and practices shall be observed by and in the Senate during its sessions:

1. Introductions of classes and groups shall not be permitted. Distinguished visitors may be introduced, at appropriate times, only with the express permission of the President or Presiding Officer or by resolutions duly adopted.

2. Sitting in windows or on cooling and heating equipment by any personnel shall not be permitted.

3. Smoking on the Senate floor by officers and employees of the Senate shall not be permitted.

4. Secretaries, administrative assistants and employees of individual Senators and the President, shall be permitted on the floor only at the call of a member or the President for the transaction of official business and shall retire therefrom upon the completion of such business.

5. Only those persons entitled to the privileges of the floor, under the rules of the Senate, shall be permitted thereon.

The resolution was read and was adopted.

Senate Concurrent Resolution 71 on First Reading

Senator Moore moved that Senate

Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	Word

Absent—Excused

Hall

The following resolution was then introduced:

S. C. R. No. 71, Granting Disc Jockey, Inc., permission to sue the State of Texas.

Whereas, Disc Jockey, Inc., a corporation organized and existing under the laws of the State of California, alleges that it and its assignor Bill Daly & Associates are producers of band and orchestra concerts; and

Whereas, Disc Jockey, Inc., alleges that it and said assignor produced certain performances known as the "Lawrence Welk Show" in various municipal and other publicly owned auditoriums in Fort Worth, San Antonio and Houston, Texas, during the years 1958 through 1962, inclusive; and

Whereas, Disc Jockey, Inc., alleges that, in connection with said production, it and said assignor paid to the State of Texas, through the Comptroller of Public Accounts, a total of \$8,856.95 as admission taxes under Chapter 21 of Title 122A R.C.S.; and

Whereas, Disc Jockey, Inc., alleges that said taxes were not properly due and payable to the State of Texas; that the Comptroller of Public Accounts was not authorized to levy and

collect said taxes; and that said taxes should be refunded to it; and

Whereas, The Comptroller of Public Accounts denies these contentions and avers that Disc Jockey, Inc., is not entitled to have said taxes refunded to it; and

Whereas, Such controversy should be determined and decided by the Courts of this State; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that the said Disc Jockey, Inc., a corporation organized and existing under the laws of the State of California, be, and it is hereby, given permission to sue the State of Texas in any court of competent jurisdiction to determine whether or not the State is liable to refund to said Disc Jockey, Inc., the taxes hereinabove referred to which were paid by it and its assignor; and be it further

Resolved, That service of citation and of any other legal process in any such suit shall be had upon the Comptroller of Public Accounts and upon the Attorney General of the State of Texas, with service of process upon both of these two officials to have the same force and effect as the service of process upon a defendant in any other civil case, according to the Rules of Civil Procedure as promulgated and adopted by the Supreme Court of Texas; and be it further

Resolved, That any such party in any such suit shall have the right of appeal as provided for in other civil cases; and be it further

Resolved, That nothing herein shall be construed as an admission on the part of the State of Texas, or any of the Departments or Agencies of the State of Texas, or any of the political subdivisions of the State of Texas, as to the validity of any allegations or claims asserted in any such suit, but that all allegations and claims asserted in said suit must be proved as in other suits under the same rules of evidence and the same laws as apply in and govern the trial of other civil cases; and be it further

Resolved, That nothing herein shall be construed as a waiver of any defenses, of fact as well as of law, that may be asserted by or available to the State of Texas, or any of the Departments or Agencies of the State of Texas, or any of the political subdivisions of the State of Texas, in

said suit, but all such defenses are hereby specifically reserved.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Concurrent Resolution 72

Senator Calhoun offered the following resolution:

S. C. R. No. 72, Recalling S. B. No. 432 from Governor's Office and authorizing certain corrections therein.

Whereas, Senate Bill No. 432 has been passed by both the Senate and the House and is now in the office of the Governor, and there are certain corrections to be made therein; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, That the Governor be and is hereby respectfully requested to return Senate Bill No. 432 to the Senate for correction; and, be it further

Resolved, That the action of the President of the Senate and the Speaker of the House in signing Senate Bill No. 432 be declared null and void, and that the two presiding officers be authorized to remove their signatures from the Enrolled Bill; and, be it further

Resolved, That the Engrossing and Enrolling Clerk of the Senate be and is hereby directed to correct the enrolled copy of Senate Bill No. 432 by changing Section 1 to read as follows:

"There is hereby created a court to be held in Tyler, Smith County, Texas, which shall be known as the County Court at Law of Smith County."

The resolution was read.

On motion of Senator Calhoun and by unanimous consent the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 73

Senator Parkhouse offered the following resolution:

S. C. R. No. 73, Extending Congratulations to Station KRLD-TV for outstanding news coverage.

Whereas, On April 24, 1963, KRLD-TV, Dallas, presented a most impor-

tant and informative program, a special report entitled "Criminal Code: Time for a Change?" and

Whereas, The station devoted a full hour, instead of the 30 minutes usually allotted to such programs, and cancelled an hour-long network show in order to give sufficient time for leading prosecutors, judges and educators to discuss fully the proposed changes in the criminal code of the State of Texas; and

Whereas, The program was narrated by Eddie Barker of KRLD-TV, who presented Mr. Robert Storey, Dean Emeritus of Southern Methodist University School of Law; Judge W. A. Morrison, State Court of Criminal Appeals; Mr. Charles Tessmer, prominent defense attorney; Mr. Henry Wade, Dallas County prosecutor; and Judge Joe B. Brown, Criminal District Court of Dallas County; and

Whereas, These outstanding authorities in the field of criminal law and procedure gave their personal views on the subject of the present condition of the criminal law in Texas; and

Whereas, The program was directed toward educating viewers in the many phases of our system of justice, and accomplished well this goal and its additional purpose of informing Texas citizens concerning proposed changes in the Texas criminal code; and

Whereas, The unselfish example of KRLD-TV in devoting prime time to this informative educational program deserves commendation and recognition by the Fifty-eighth Legislature of the State of Texas; now, therefore, be it

Resolved, By the Senate of the Fifty-eighth Legislature, the House of Representatives concurring, That we congratulate KRLD-TV for its outstanding news coverage and its special reports in the public interest, particularly the program presented on April 24, 1963, which was entitled "Criminal Code: Time for a Change?" and be it further

Resolved, That this Legislature, commends KRLD-TV to the people of Texas for this example of service, and that copies of this Resolution be prepared as a token of esteem for those station employees who were directly responsible for the show: Mr. Barker and Mr. Ray Zigler, writers; Mr. Jim Underwood and Mr. Joe

Dave Scott, cameramen; and Mr. Weldon Miller, film editor.

The resolution was read.

On motion of Senator Parkhouse and by unanimous consent the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 74 on First Reading

Senator Hazlewood moved that Senate Rule 144 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	Word

Absent—Excused

Hall

The following resolution was then introduced, read first time and referred to the committee indicated:

S. C. R. No. 74, Granting Jessie Herring Johnson et al. permission to sue the State.

Whereas, The State of Texas, acting by and through the State Highway Department of Texas, commenced or caused to be commenced during the year 1962, and completed in the year 1963, an overpass in the City of Amarillo, extending, with its approaches, from South Second Street in the City of Amarillo in a northerly direction along and over Pierce Street and across the tracks and rights-of-way of the Fort Worth & Denver City Railway and the Chicago, Rock Island Gulf Railway and terminating

at North Third Street at its intersection with North Pierce Street, in the City of Amarillo, all in Potter County, Texas; and

Whereas, At and before the date that such construction was started, as well as at all times since such dates, Jessie Herring Johnson, wife of Les K. Johnson, owned, as her separate property and estate, Lot No. One (1) and the North thirty feet of Lot No. Two (2), Block No. Three (3), of the Glidden & Sanborn Addition to the City of Amarillo, Potter County, Texas, as shown by the recorded map and plat thereof in Potter County, Texas, together with the building thereon, subject to a certain written lease agreement dated 26th day of January, 1960, between the said Jessie Herring Johnson, joined by her husband, Les K. Johnson, and Armstrong Transfer and Storage Company, Inc., for a term of eight (8) years and six (6) months, beginning March 1, 1960, and ending August 31, 1968; the East line of said Lot No. One (1) and the North thirty feet of Lot No. Two (2) abutting the West line of South Pierce Street in the City of Amarillo and the North line of said Lot No. One (1) abutting the South line of East First Avenue in the City of Amarillo, and the said Jessie Herring Johnson owned or asserted the ownership in fee to the center of South Pierce Street in the City of Amarillo, on which such overpass and approach thereto were in part located; and

Whereas, At the present time, and for many years prior hereto, such Lot No. 1 and the North thirty feet of such Lot No. 2 was improved with a two story brick warehouse with basement and was used as a warehouse by Armstrong Transfer and Storage Company, Inc., for which such property was well adapted and highly useful, and which property, prior to the construction of such overpass on South Pierce Street in front of such warehouse on Lot No. 1 and the North 30 feet of Lot No. 2, was served by double industrial railroad tracks upon which railroad cars serving such warehouse could only be brought in from an eastward direction crossing South Pierce Street; and

Whereas, It is claimed and asserted by Jessie Herring Johnson and her husband, Les K. Johnson, and Armstrong Transfer and Storage Company, Inc., that a portion of the

property of Jessie Herring Johnson was taken by the construction of such overpass and the approaches to such overpass on South Pierce Street opposite such Lot No. 1 and the North thirty feet of such Lot No. 2, and on a part of South Pierce Street owned by Jessie Herring Johnson by virtue of her ownership of such Lot No. 1 and the North thirty feet of Lot No. 2, but that regardless of whether any part of the property of Jessie Herring Johnson was taken, that the property, property rights and interests in property of Jessie Herring Johnson and her husband, Les K. Johnson, and Armstrong Transfer and Storage Company, Inc., in the property owned by the said Jessie Herring Johnson was damaged or destroyed for or applied to public use without adequate compensation being made and without the consent of the said Jessie Herring Johnson, Les K. Johnson and Armstrong Transfer and Storage Company, Inc. by reason of such construction; and

Whereas, No condemnation proceedings have been commenced or prosecuted to acquire the property, property rights or property interests of Jessie Herring Johnson, Les K. Johnson or Armstrong Transfer and Storage Company, Inc., in and to said Lot No. 1 and the North 30 feet of Lot No. 2, nor has any compensation been paid to either Jessie Herring Johnson, Les K. Johnson or Armstrong Transfer and Storage Company, Inc., for any property, property rights or property interests taken, damaged or destroyed as a result of the construction of such overpass and approach thereto on South Pierce Street and the removal of such industrial trackage; and

Whereas, Jessie Herring Johnson, joined by her husband, Les K. Johnson, and Armstrong Transfer and Storage Company, Inc., are desirous of determining the liability, if any, under the Constitution and law of the State of Texas, of the State of Texas and the State Highway Department of Texas for the alleged taking and alleged damages to the property, property rights, or property interests of Jessie Herring Johnson and Armstrong Transfer and Storage Company, Inc., in and to said Lot No. 1 and the North 30 feet of Lot No. 2; and that for that purpose they desire to file suit in the proper court in the county where the land

is situated, being Potter County, Texas, having jurisdiction over the said claims to have such liability, if any, and the amount thereof resulting from the construction of such over-pass and the approach thereto on South Pierce Street in the City of Amarillo, Potter County, Texas, if any, judicially determined; therefore be it

Resolved, By the Senate of the State of Texas, the House of Representatives of the State of Texas concurring, That Jessie Herring Johnson, joined by her husband, Les K. Johnson, and Armstrong Transfer and Storage Company, Inc., be and they are hereby granted permission to file suit against the State of Texas and the State Highway Department of Texas in the proper Court in Potter County, Texas, where such land is situated, having jurisdiction of their claim for liability, if any, and damages, if any. In the event said suit is filed, service of citation or other necessary process shall be upon the Chairman of the State Highway Commission of the State of Texas and the Attorney General of the State of Texas, and said suit shall be filed and tried as provided by law for other civil cases, reserving to either party the right of appeal as provided by law; and be it further.

Resolved, That nothing herein shall be construed as an admission of liability on the part of the State of Texas or the State Highway Department of Texas. It is understood that the whole purpose of this Resolution is to grant permission to the said Jessie Herring Johnson, Les K. Johnson and Armstrong Transfer and Storage Company, Inc., to bring suit against the State of Texas and the State Highway Department of Texas for the alleged and claimed taking and alleged and claimed damages, regardless of whether there was or was not a taking of any property, and to have same adjudicated as other civil cases; and no admission of liability of the State of Texas or the State Highway Department of Texas of any facts and no admission whatever against the interest of the State of Texas or the State Highway Department of Texas is or shall be made by this Resolution; and all of which shall be ascertained and proved in Court as in other civil cases.

This resolution was read and was

referred to the Committee on Jurisprudence.

Senate Bill 299 With House Amendments

Senator Patman called S. B. No. 299 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Patman moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—30

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Rogers
Harrington	Schwartz
Haslewood	Spears
Herring	Strong
Kasen	Watson
Kennard	Word

Absent—Excused

Hall

Senate Bill 132 With House Amendments

Senator Creighton called S. B. No. 132 from the President's table for consideration of the House Amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Creighton moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President an-

nounced the appointment of the following conferees on the part of the Senate on the bill: Senators Creighton, chairman, Kazen, Krueger, Moore and Word.

Vote Reconsidered on Adoption of Conference Committee Report on Senate Bill 231

Senator Moore moved that the portion of Senate Rule No. 60 relating to reconsideration be suspended and that the adoption of the Conference Committee Report on S. B. No. 231 be reconsidered.

The motion prevailed by the following vote:

Yeas—30

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	Word

Absent—Excused

Hall

Senator Moore then moved that the Conference Committee on the part of the Senate on S. B. No. 231 be discharged and a new Conference Committee be appointed.

There was no objection offered.

The President announced the appointment of the following as a Conference Committee on the part of the Senate on S. B. No. 231:

Senators Moore, Crump, Krueger, Creighton and Herring.

Reports of Standing Committees

Senator Dies submitted the following report:

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was

referred H. B. No. 768, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DIES, Chairman.

Senator Crump submitted the following report:

Austin, Texas,
May 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 291, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CRUMP, Chairman.

House Bill 291 Ordered Not Printed

On motion of Senator Cole and by unanimous consent H. B. No. 291 was ordered not printed.

Senate Bill 303 With House Amendments

Senator Cole called S. B. No. 303 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Cole moved that the Senate concur in the House amendments.

The motion prevailed.

Conference Committee Report on Senate Bill 234

Senator Blanchard submitted the following Conference Committee report on S. B. No. 234:

Austin, Texas,
May 8, 1963.

Hon. Preston Smith, President of the Senate.

Hon. Byron Tunnell, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill 234 have met and had the same under consideration, and beg to report it back with the recommendation

that it do pass in the form and text hereto attached.

BLANCHARD
REAGAN
BATES
HAZLEWOOD
STRONG

On the part of the Senate

ADAMS
PARSLEY
CLAYTON
BROWN
QUILLIAM

On the part of the House

S. B. No. 234,

A BILL

To Be Entitled

An Act providing for the conveyance by the Chairman of the Board of Directors of Texas Technological College, on behalf of the State of Texas, to the City of Lubbock, of a permanent easement for street and road purposes in order to construct and perpetually maintain additional traffic lanes and flare corners at College Avenue and Broadway Street at the main entrance to Texas Technological College out of Section 1, Block E2, being a part of the land of Texas Technological College; authorizing the Chairman of the Board of Directors of Texas Technological College to execute and to deliver on behalf of the said Board of Directors and the State of Texas a proper conveyance granting such easement to the City of Lubbock; and declaring an emergency.

Whereas, The City of Lubbock, a municipal corporation in Lubbock County, Texas, has agreed to widen College Avenue immediately to the North and South of Broadway Street at its intersection with the College Avenue, along the Eastern side of Texas Technological College campus, in order to facilitate the passage of traffic in and out of said campus at the intersection of College Avenue and Broadway Street by providing an additional traffic lane both to the North and South of Broadway and by constructing flare corners on the West side of College Avenue where Broadway Street enters the said campus; and

Whereas, The construction of said additional traffic lanes and flare corners requires additional right-of-way for College Avenue out of the Texas

Technological College Campus as it abuts College Avenue; and

Whereas, The Board of Directors of Texas Technological College has found and determined that the said improvement of College Avenue by adding traffic lanes and flares at the entrance of Broadway Street to the campus of Texas Technological College will be of material benefit to the State of Texas and Texas Technological College and will constitute adequate consideration for the conveyance of an easement onto the City of Lubbock out of Texas Technological College campus land for additional right-of-way for College Avenue for the construction of said traffic lanes and flares; now, therefore

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. In consideration of the benefits which will accrue to the State of Texas and Texas Technological College from the construction of additional traffic lanes on College Avenue both immediately to the North and South of the entrance of Broadway Street into the campus of Texas Technological College and the construction of flare corners on the West side of College Avenue where Broadway Street enters said College Campus by the City of Lubbock, Lubbock County, Texas, a home rule municipal corporation, the Chairman of the Board of Directors of Texas Technological College is hereby authorized to execute and deliver on behalf of the State of Texas and Texas Technological College to the City of Lubbock a proper instrument conveying to said City of Lubbock a permanent easement for street and road purposes, together with the right of ingress and egress to construct and perpetually maintain additional traffic lanes and flare corners at College Avenue and Broadway Street at the main entrance to Texas Technological College, said easement to be located upon and across that certain parcel of land out of Section 1, Block E2, Lubbock County, Texas, described by metes and bounds as follows: to-wit:

A tract of land out of Section 1, Block E2, Lubbock County, Texas, more fully described as follows:

Beginning at a point 86.85 feet West and 61.0 feet North of the Southwest corner of Block 100, Overton Addition to the City of Lubbock, Texas;

Thence West 9.0 feet to a point;
Thence North 523.0 feet to a point;
Thence East 9.0 feet to a point;

Thence South 523.0 feet to the point of beginning. And the said Chairman of the Board of Directors of Texas Technological College is hereby authorized for and on behalf of the said Board of Directors to execute and deliver such conveyance to carry out the purposes of this Act to the City of Lubbock, Lubbock County, Texas.

Section 2. The fact, that the main entrance to Texas Technological College at the intersection of Broadway Street and College Avenue in the City of Lubbock, Lubbock County, Texas, requires additional traffic lanes for turns from College Avenue into the College campus and for turning out of said College campus onto College Avenue in order to alleviate the congestion of traffic at said main entrance and to make possible left turns from the College campus onto College Avenue, and the further fact that such additional traffic lanes will require flare corners at the main entrance to the College for the facilitating of traffic movement in and out of said College campus, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House to be suspended, and said Rule is hereby suspended; and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

Conference Committee Report on Senate Bill 235

Senator Blanchard submitted the following Conference Committee Report on S. B. No. 235:

Austin, Texas,
May 8, 1963.

Hon. Preston Smith, President of the Senate.

Hon. Byron Tunnell, Speaker of The House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill 235 have met and had same under consideration, and beg to report it back with the recommendation that

it do pass in the form and text hereto attached.

BLANCHARD
REAGAN
BATES
HAZLEWOOD
STRONG

On the part of the Senate

ADAMS
CLAYTON
PARSLEY
BROWN
QUILLIAM

On the part of the House.

S. B. No. 235,

A BILL

To Be Entitled

An Act providing for the conveyance by the Chairman of the Board of Directors of Texas Technological College, on behalf of the State of Texas, to the City of Lubbock, of a permanent easement for street, road and sewer line purposes in order to reconstruct, widen and improve and perpetually maintain, and construct a sanitary sewer line force main under Indiana Avenue between Fourth Street and Erskine Road in the City of Lubbock, Lubbock County, Texas, out of Section 21, Block A, being a part of the lands of Texas Technological College; authorizing the Chairman of the Board of Directors of Texas Technological College to execute and to deliver on behalf of the said Board of Directors and the State of Texas a proper conveyance granting such easement to the City of Lubbock; and declaring an emergency.

Whereas, The City of Lubbock, a municipal corporation in Lubbock County, Texas, plans to reconstruct, widen and improve Indiana Avenue between Fourth Street and Erskine Road within the corporate limits of said City, and the said Indiana Avenue abuts Section 21, Block A, Lubbock County, which land is owned by the State of Texas and devoted to the use and benefit of Texas Technological College and constitutes a portion of the land of said College; and

Whereas, Said City has agreed to install a sanitary sewer line force main underneath Indiana Avenue for the sole purpose of providing sewer service to Texas Technological College and the plans of said City provide for the said force main to tie

onto the Texas Technological College pump station and carry sewerage to the City's treatment plant; and

Whereas, The Board of Directors of Texas Technological College has found and determined that the development of Indiana Avenue into a first-class street abutting said College land and the construction of a sanitary sewer line force main for the sole purpose of providing sewer service for Texas Technological College by connecting said force main to the Texas Technological College pump station, will materially enhance the land and benefit the College; and

Whereas, The reconstruction, widening and improving of Indiana Avenue and the construction of said sewer line will require additional land for right-of-way purposes between Fourth Street and Erskine Road, off the East Side of said Section 21, Block A, and the said Board of Directors has found and determined that it will be advantageous to Texas Technological College and the State of Texas to donate an easement across the east side of said Section 21, Block A, to the City of Lubbock, as it abuts Indiana Avenue, for the purpose of reconstructing, widening and improving Indiana Avenue and constructing said sewer line in return for the enhancements and benefits to be derived thereby; now, therefore,

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. In consideration of the benefits which will accrue to the State of Texas and Texas Technological College from the reconstruction, widening and improving of Indiana Avenue, a public street abutting Section 21, Block A, of lands of Texas Technological College in the corporate limits of the City of Lubbock, Lubbock County, Texas, a home rule municipal corporation, and from the construction of a sanitary sewer line force main for the sole purpose of providing sewer service for Texas Technological College by connecting said force main to the Texas Technological College pump station, by said City, the Chairman of the Board of Directors of Texas Technological College is hereby authorized to execute and deliver, on behalf of the State of Texas and Texas Technological College, to the City of Lubbock a proper instrument conveying

to said City of Lubbock a permanent easement for street, road and sanitary sewer line purposes together with the right of ingress and egress to reconstruct, widen, improve and perpetually maintain Indiana Avenue and said sanitary sewer line between Fourth Street and Erskine Road in the City of Lubbock, Lubbock County, Texas, said easement to be located upon and across that certain parcel of land out of Section 21, Block A, Lubbock County, Texas, described by metes and bounds as follows: to-wit:

Beginning at the Southeast corner of Section 21, Block A, Lubbock County, Texas;

Thence North $0^{\circ} 05' 15''$ East along the East line of said Section 21, Block A, a distance of 60.00 feet to the point of beginning;

Thence North $0^{\circ} 05' 15''$ East along the East line of said Section 21, Block A, a distance of 5220.00 feet to a point; said point being the Northeast corner of Section 21, Block A;

Thence North $89^{\circ} 57' 25''$ West along the North line of said Section 21, Block A, a distance of 164.00 feet to a point;

Thence South $0^{\circ} 05' 15''$ West along a line parallel to the East line of said Section 21, Block A, a distance of 45.00 feet to a point;

Thence South $89^{\circ} 57' 25''$ East along a line parallel to the North line of said Section 21, Block A, a distance of 85.00 feet to a point, said point being the beginning of a curve to the right having a radius of 15.00 feet, internal angle of $90^{\circ} 00'$, and arc length of 23.56 feet;

Thence around said curve to the right an arc length distance of 23.56 feet to a point, said point being the end of said curve and lying in a line parallel to and 64.00 feet West of the East line of said Section 21, Block A;

Thence South $0^{\circ} 05' 15''$ West along a line parallel to the East line of said Section 21, Block A, a distance of 610.00 feet to a point, said point being 94.00 feet West of the Southwest corner of Lot 9, Block 2, Tech Heights addition to the City of Lubbock, Lubbock County, Texas;

Thence South $1^{\circ} 13' 47''$ East a distance of 870.23 feet to a point, said point being 120.00 feet North and 94.00 feet West of the Southwest corner of Lot 12, Block 2, McMillan Heights Addition Installment No. 1

to the City of Lubbock, Lubbock County, Texas;

Thence South 0° 05' 15" West along a line parallel to the East line of said Section 21, Block A, a distance of 1940.00 feet to a point, said point being 94.00 feet West of the Northwest corner of Lot 12, Block 12, McMillan Heights Addition Installment No. 2;

Thence South 3° 27' 14" West a distance of 510.88 feet to a point, said point being 94.00 feet West of the Northwest corner of Lot 16, Block 3 of the Original Westhaven Addition to the City of Lubbock, Lubbock County, Texas;

Thence South 0° 5' 15" West along a line parallel to the East line of said Section 21, Block A, a distance of 1215.00 feet to a point, said point being the beginning of a curve to the right having a radius of 15.00 feet, internal angle of 90° 00', and arc length of 23.56 feet;

Thence around said curve to the right an arc length distance of 23.56 feet to a point, said point being the end of the curve and lying on a line parallel to and 60.00 feet North of the South line of said Section 21, Block A;

Thence South 89° 58' 05" East along a line parallel to the South line of said Section 21, Block A, a distance of 89.00 feet to the point of beginning.

And the said Chairman of the Board of Directors of Texas Technological College is hereby authorized for and on behalf of the said Board of Directors to execute and deliver such conveyance to carry out the purposes of this Act to the City of Lubbock, Lubbock County, Texas.

Sec. 2. In consideration of the benefits which will accrue to the State of Texas and Texas Technological College from the construction, operation, and maintenance by the City of Lubbock, a municipal corporation of Lubbock County, Texas, of a drainage channel beginning at a point on the East line of Quaker Avenue located a distance of 1840.94 feet North of the Southwest corner of Section 21, Block A, Lubbock County, Texas, and extending in a Northeasterly direction in and across said Section 21, Block A, for an approximate distance of 1200.00 feet, which described land is owned by the State of Texas and constitutes a portion of the lands of Texas Technological College, in order

to prevent the accumulation of water on lands of said college lying to the West of Quaker Avenue, the Chairman of the Board of Directors of Texas Technological College is hereby authorized to execute and deliver on behalf of the State of Texas and Texas Technological College to the City of Lubbock, a proper instrument conveying to said City of Lubbock a drainage easement with the right of ingress and egress to construct, reconstruct, operate and maintain a drainage channel, to be located as more particularly determined by the Board of Directors of Texas Technological College, upon approval by said Board of Directors of the plans and specifications for the drainage channel facility to be constructed and the said Chairman of the Board of Directors of Texas Technological College is hereby authorized for and on behalf of said Board of Directors to execute and deliver such conveyance to carry out the purposes of this act to the City of Lubbock, Lubbock County, Texas.

Sec. 3. The fact, that Indiana Avenue between Fourth Street and Erskine Road in the City of Lubbock, Lubbock County, Texas, as it abuts Texas Technological College lands, is in a deteriorated condition, is narrow and requires reconstruction, widening and improving in order to provide adequate accessibility to said College lands, and the further fact that Texas Technological College is in urgent need of additional sewerage disposal facilities, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

Senate Bill 459 With House Amendments

Senator Bates called S. B. No. 459 from the President's Table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Bates moved that the Senate concur in the House amendments.

The motion prevailed.

**Senate Bill 464 With
House Amendments**

Senator Bates called S. B. No. 464 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Bates moved that the Senate concur in the House amendments.

The motion prevailed.

Reports of Standing Committees

Senator Dies submitted the following report:

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 511, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DIES, Chairman.

Senator Moffett submitted the following report:

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock, to which was referred H. B. No. 597, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

MOFFETT, Chairman.

Senator Creighton submitted the following report:

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 1020, have had the same under consideration, and we are instructed

to report it back to the Senate with the recommendation that it do pass, and be printed.

CREIGHTON, Chairman.

Senator Hardeman submitted the following reports:

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. C. R. No. 59, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. C. R. No. 71, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

**Senate Concurrent Resolution 71
Ordered Not Printed**

On motion of Senator Moore and by unanimous consent S. C. R. No. 71 was ordered not printed.

Senate Bill 511 Ordered Not Printed

On motion of Senator Owen and by unanimous consent S. B. No. 511 was ordered not printed.

**Senate Bill 85 With
House Amendments**

Senator Watson called S. B. No. 85 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Watson moved that the Senate concur in the House amendments.

The motion prevailed.

**Senate Bill 421 with
House Amendments**

Senator Watson called S. B. No. 421 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Watson moved that the Senate concur in the House amendments.

The motion prevailed.

**House Concurrent Resolution 76
on First Reading**

The President laid before the Senate on its first reading H. C. R. No. 76.

H. C. R. No. 76, Providing for Sine Die Adjournment.

The resolution was read.

Senator Owen asked unanimous consent to consider the resolution immediately.

There was objection.

Senator Owen then moved to consider the resolution immediately.

The motion to consider the resolution immediately was lost by the following vote:

Yeas—4

Kazen	Rogers
Owen	Watson

Nays—26

Aikin	Kennard
Bates	Krueger
Blanchard	Moffett
Calhoun	Moore
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Word

Absent—Excused

Hall

The resolution was then referred to the Committee on Finance.

Bills and Resolution Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills and resolution:

S. B. No. 2, A bill to be entitled "An Act creating and establishing Angelo State College at San Angelo, Texas, as a coeducational institution of higher learning, etc., and declaring an emergency."

S. B. No. 7, A bill to be entitled "An Act creating Pan American College as a state supported institution of higher education; providing for its management and administration; repealing laws in conflict; providing for severability; and declaring an emergency."

S. B. No. 170, A bill to be entitled "An Act amending Section 1 of Chapter 103, Acts of the 57th Legislature, Regular Session, 1961, so as to provide that said law will become effective upon the adoption of Article IX, Section 11, as a part of the Constitution of the State of Texas; validating proceedings heretofore had in connection with the creation and establishment of such districts; and declaring an emergency."

S. B. No. 127, A bill to be entitled "An Act relating to and fixing minimum and maximum salary of the official shorthand reporter for the 121st Judicial District of Texas; and declaring an emergency."

S. B. No. 223, A bill to be entitled "An Act amending the Texas Workmen's Compensation Insurance Laws of this State by amending Section 3 of Article 8306, revised Civil Statutes of 1925, as amended; providing a saving clause; and declaring an emergency."

S. B. No. 239, A bill to be entitled "An Act to amend Sections 15 and 16 of Chapter 514, Acts of the 54th Legislature, Regular Session, 1955 (compiled as Article 678m, Vernon's Texas Civil Statutes), providing for the acquisition of lands upon which are located historic and prehistoric sites and other historical features by the State Building Commission, allowing certification or authentication by the Texas State Historical Survey Committee, authorizing the erection and maintenance of historic monuments or memo-

rials, the locating and marking of graves of former Texas heroes, the maintenance of monuments and memorials erected by the State of Texas to commemorate the Centenary of Texas Independence; repealing all laws in conflict; and declaring an emergency."

S. B. No. 247, A bill to be entitled "An Act amending Section 7 of Chapter 252, Acts of the 55th Legislature, Regular Session, 1957, relating to workmen's compensation law applicable to employees of Texas Technological College, so as to adopt certain amendments and sections of the general law contained in Articles 8306, 8307 and 8309, Revised Civil Statutes of Texas, 1925, as amended, and Chapter 248, Acts of the 42nd Legislature, Regular Session, 1931 (compiled as Article 8306a of Vernon's Texas Civil Statutes), as amended; providing for incorporation of future amendments; providing for severability; and declaring an emergency."

S. B. No. 240, A bill to be entitled "An Act amending Sections 9 and 12 of Chapter 500, Acts of the 55th Legislature, 1957 (compiled as Sections 9 and 12 of Article 6145, Vernon's Texas Civil Statutes); providing for duties of the Texas State Historical Survey Committee; and declaring an emergency."

S. B. No. 238, A bill to be entitled "An Act making it unlawful for anyone, not being the owner thereof, and without lawful authority, to wilfully injure, disfigure, remove or destroy any historical structure, monument, marker, medallion, or artifact; providing penalties; providing a severability clause; and declaring an emergency."

S. B. No. 246, A bill to be entitled "An Act providing the minimum and maximum salaries of the official shorthand reporter for the 106th Judicial District of Texas; providing a saving clause; and declaring an emergency."

S. B. No. 211, A bill to be entitled "An Act authorizing the Board for Texas State Hospitals and Special Schools to convey and transfer to the Texas Forest Service, a part of the Texas Agricultural and Mechanical College System, certain land in Cherokee County, Texas; and declaring an emergency."

S. B. No. 229, A bill to be entitled "An Act to amend Section 3 of Sen-

ate Bill No. 251, Acts of the 57th Legislature, Regular Session, 1961, as amended, so as to modify the requirements for abolishing such districts and declaring an emergency."

S. B. No. 265, A bill to be entitled "An Act amending subdivision (b) of Section 13 of Senate Bill 5, Acts of the 44th Legislature, Second Called Session, 1935, Chapter 465, as amended, codified in Vernon's as subdivision (b) of Section 13 of Article 3912e, Vernon's Civil Statutes; repealing subdivision (a) of Section 15 of Senate Bill 5, Acts of the 44th Legislature, Second Called Session, 1935, Chapter 465, as amended, codified in Vernon's as subdivision (a) of Section 15 of Article 3912e, Vernon's Civil Statutes; providing for apportionments from the State to counties in which there is a criminal district attorney performing the duties of a district attorney and making other provisions relating thereto; providing the provisions of this Act shall also apply to Harris County; providing a severability clause, and declaring an emergency."

S. B. No. 290, A bill to be entitled "An Act to amend Section 5 of Chapter 42, Acts of the 41st Legislature, Second Called Session, as last amended by Chapter 94, Acts of the 56th Legislature, by the addition thereto of a new section to increase the maximum load limit on certain type commercial motor vehicles from forty-eight thousand (48,000) pounds to fifty-eight thousand (58,000) pounds where such vehicles are used for a specialized purpose and within a specified area; and declaring an emergency."

S. B. No. 356, A bill to be entitled "An Act amending Acts of the Fifty-third Legislature, 1953, Regular Session, Chapter 266, Page 691, as amended, codified as Article 4494-n, Vernon's Civil Statutes of Texas, as amended, by adding another section, Section 5b, more specifically expressing certain existing powers of hospital districts created under said Article 4494-n and also granting additional and cumulative powers to such hospital districts; providing a severability clause; enacting other provisions related to the subject; and declaring an emergency."

S. B. No. 302, A bill to be entitled "An Act providing for transfer of moneys now on deposit in the State

Treasury to the credit of the Motor Carrier Fund, the Oil and Gas Enforcement Fund, the Gas Utilities Fund, and the Liquefied Petroleum Gas Fund to a single fund in the State Treasury to be known as the Railroad Commission Operating Fund; etc., and declaring an emergency."

S. B. No. 337, A bill to be entitled "An Act to amend Chapter 4 of the Insurance Code (Acts 1951, 52nd Leg., Ch. 491, as amended) by adding thereto a new article to be designated Art. 4.08, relating to escheat and unclaimed funds, providing that said Article shall be known as the 'Unclaimed Funds Statute for Life Insurance Companies'; etc., and declaring an emergency."

S. B. No. 305, A bill to be entitled "An Act to amend subsection a. of Section 1(4) in Article III of Senate Bill 116, Chapter 334, Acts 51st Legislature, Regular Session 1949, as last amended in Section 1 of Senate Bill 70, Chapter 386, Acts 55th Legislature, Regular Session 1957 (Article 2922-13, Sec. 1(4)a, V.T.C.S.), to increase the age eligibility for exceptional children program benefits; providing for an effective date of this Act; and declaring an emergency."

S. B. No. 392, A bill to be entitled "An Act authorizing the Board of Regents of The University of Texas to acquire by purchase or otherwise for the use and benefit of The University of Texas Medical Branch certain properties in the City of Galveston, Galveston County, Texas; providing the method of payment; provisions relating to the existing power of eminent domain of the Board of Regents to acquire land for the use of The University of Texas Medical Branch; exempting the Regents from depositing bond as provided in Section 2 of Article 3268, Revised Civil Statutes of Texas; and declaring an emergency."

S. B. No. 396, A bill to be entitled "An Act amending Statutes and substituting an amendment therefor; prohibiting the School Land Board from leasing any river beds or channels with one permissible exception; etc.; and declaring an emergency."

S. B. No. 456, A bill to be entitled "An Act transferring the sum of five thousand dollars from item five set out in the appropriation to the Texas Liquor Control Board for the year ending August 31, 1963, as set out

in Senate Bill No. 1 enacted by the First Called Session of the 57th Legislature, to item nine set out in said appropriation to the Texas Liquor Control Board for the year ending August 31, 1963, to be used for the purchase of licenses, permits and tax stamps during the year 1963 and declaring an emergency."

S. B. No. 447, A bill to be entitled "An Act relating to the official shorthand reporters of the Tenth Fifty-Sixth and One Hundred Second Judicial Districts of Texas; re-enacting and amending Acts of the 55th Legislature, 2nd Called Session, 1957, Chapter 12, by fixing the maximum and minimum salary and method of determining same, and by fixing the fee for transcript; and declaring an emergency."

S. B. No. 474, A bill to be entitled "An Act amending Chapter 418, page 766, Acts of the 52nd Legislature, 1951 (codified by Vernon as Article 8280-146), relating to Brookshire Municipal Water District, by adding thereto a section permitting the addition and annexation of land to said District in accordance with general law; and declaring an emergency."

S. B. No. 389, A bill to be entitled "An Act setting standard fees for directors of river authorities created by the Legislature; providing for their expenses; providing for authorization and method of payment; repealing laws in conflict; and declaring an emergency."

S. B. No. 347, A bill to be entitled "An Act to provide for the abolishment of the offices of the Ex Officio County School Superintendent and the County Board of Education in all counties of this State who now has or may hereafter have no Common School District and only one Independent School District; etc.; and declaring an emergency."

S. C. R. No. 67, Extending congratulations to Mr. Angus Wynne, Jr., and designating him as official representative of State of Texas at 1964 World's Fair.

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the committees indicated:

H. B. No. 412, To the Committee on Counties, Cities and Towns.

H. B. No. 1024, To the Committee on Counties, Cities and Towns.

H. B. No. 991, To the Committee on Counties, Cities and Towns.

H. B. No. 1037, To the Committee on Counties, Cities and Towns.

H. B. No. 1030, To the Committee on Counties, Cities and Towns.

H. B. No. 975, To the Committee on Counties, Cities and Towns.

H. B. No. 974, To the Committee on Counties, Cities and Towns.

H. B. No. 589, To the Committee on Counties, Cities and Towns.

H. B. No. 970, To the Committee on Counties, Cities and Towns.

H. B. No. 976, To the Committee on Insurance.

H. B. No. 138, To the Committee on State Affairs.

H. B. No. 228, To the Committee on Public Health.

H. B. No. 287, To the Committee on Jurisprudence.

H. B. No. 289, To the Committee on State Departments and Institutions.

H. B. No. 389, To the Committee on Jurisprudence.

H. B. No. 420, To the Committee on Game and Fish.

H. B. No. 443, To the Committee on Agriculture and Livestock.

H. B. No. 516, To the Committee on Counties, Cities and Towns.

H. B. No. 536, To the Committee on Counties, Cities and Towns.

H. B. No. 607, To the Committee on Counties, Cities and Towns.

H. B. No. 610, To the Committee on Game and Fish.

H. B. No. 634, To the Committee on Jurisprudence.

H. B. No. 653, To the Committee on Finance.

H. B. No. 672, To the Committee on Counties, Cities and Towns.

H. B. No. 724, To the Committee on Game and Fish.

H. B. No. 728, To the Committee on Game and Fish.

H. B. No. 729, To the Committee on Counties, Cities and Towns.

H. B. No. 752, To the Committee on Water and Conservation.

H. B. No. 766, To the Committee on Counties, Cities and Towns.

H. B. No. 769, To the Committee on Jurisprudence.

H. B. No. 771, To the Committee on Counties, Cities and Towns.

H. B. No. 779, To the Committee on Game and Fish.

H. B. No. 780, To the Committee on Game and Fish.

H. B. No. 811, To the Committee on Counties, Cities and Towns.

H. B. No. 854, To the Committee on Agriculture and Livestock.

H. B. No. 858, To the Committee on Counties, Cities and Towns.

H. B. No. 906, To the Committee on Counties, Cities and Towns.

H. B. No. 939, To the Committee on Counties, Cities and Towns.

H. B. No. 940, To the Committee on Counties, Cities and Towns.

H. B. No. 1014, To the Committee on Counties, Cities and Towns.

H. B. No. 1021, To the Committee on Game and Fish.

H. B. No. 1022, To the Committee on Counties, Cities and Towns.

H. B. No. 1023, To the Committee on Game and Fish.

H. B. No. 1027, To the Committee on Counties, Cities and Towns.

H. B. No. 1031, To the Committee on Water and Conservation.

H. B. No. 1034, To the Committee on Insurance.

H. B. No. 1038, To the Committee on Counties, Cities and Towns.

H. B. No. 1050, To the Committee on Game and Fish.

H. B. No. 1051, To the Committee on Education.

H. B. No. 1058, To the Committee on Game and Fish.

H. B. No. 1059, To the Committee on Game and Fish.

H. B. No. 1060, To the Committee on Game and Fish.

H. B. No. 1067, To the Committee on Water and Conservation.

H. B. No. 356, To the Committee on State Affairs.

H. B. No. 326, To the Committee on Labor and Management Relations.

Reports of Standing Committees

Senator Colson by unanimous consent submitted the following report:

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Public Health, to which was referred H. B. No. 418, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLSON, Chairman.

Senator Dies by unanimous consent submitted the following reports:

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 48, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 77, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

Senate Resolution 530

Senator Herring offered the following resolution:

Whereas, We are honored to have as visitors in the Senate Maria Del Socorro Briseno of Laredo, Texas, and Valerie Sullivan, of Milwaukee, Wisconsin, who are in Austin to participate as featured dancers in the Pan American Fiesta, under the sponsorship of the Pan American Center, on the evening of May 17, in the Municipal Auditorium; and

Whereas, We desire to welcome these young ladies to the Capital City and to the Capitol Building; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas, and that they be granted the privilege of the floor; and be it further

Resolved, That enrolled copies of this Resolution be prepared by the Secretary of the Senate and sent to each of these young ladies with the cordial good wishes of the members of the Texas Senate.

The resolution was read and was adopted.

The President announced the appointment of the following as a committee to escort the distinguished guests to the President's Rostrum:

Senators Herring, Krueger and Moore.

The President welcomed the guests and presented Senator Herring to introduce the guests to the Senate.

Senator Herring presented Miss Sullivan and she invited the members to attend the Pan American Fiesta and thanked them for the privilege and honor bestowed upon her.

Senator Herring then presented Miss Briseno and she addressed the Members in Spanish inviting the Members to attend the Pan American Fiesta.

Conference Committee Report on Senate Bill 15

The President laid before the Senate as unfinished business the Conference Committee Report on S. B. No. 15, with a motion by Senator Reagan to adopt the report pending.

Question — Shall the Conference Committee Report on S. B. No. 15 be adopted?

The Conference Committee Report on S. B. No. 15 was then adopted.

Record of Votes

Senators Owen, Hardeman, Patman, Creighton, Bates, Dies, Krueger, Word, Rogers, Colson, Kennard, Aikin and Moffett asked to be recorded as voting "Nay" on the adoption of the Conference Committee Report on S. B. No. 15.

Reason for Vote

I, Frank Owen III, vote "nay" on the Conference Committee report on Senate Bill No. 15 dated May 8, 1963 for the reason that same is obviously a protection to the loan shark money-lenders and through legislative enactment provides legalized usury without adequate safeguard to the individual citizen of the State of Texas; that such Act is obviously not in the best interest of each citizen of this State, but instead is an oppressive aid to those who would rob them of their self-respect and economic livelihood. It is not in the best interest of the people of the State.

OWEN

Statement Relative to Vote

We simply want the record to reflect that Sec. 20(e) is not intended by the Senate or the Conferees, as reflected by the debates on the subject, to obviate, negate, repeal, exclude or impair any and all common law actions established by the courts of this State to recover for harassment as those actions presently exist under the presently declared law.

Signed—Spears, Kennard, Patman, Bates, Cole, Reagan, Richter, Harrington, Schwartz, Moffett, Word, Dies, Strong, Hazlewood, Rogers, Moore, Creighton, Owen.

Reports of Standing Committees

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 1031, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Senator Dies by unanimous consent submitted the following reports:

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 672, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 939, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 940, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 970, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 1037, have had

the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 1030, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 974, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 975, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 412, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 811, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 589, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

DIES, Chairman.

C. S. H. B. No. 589 was read the first time.

Senate Concurrent Resolution 71 on Second Reading

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

S. C. R. No. 71, Granting Disc Jockeys Inc. permission to sue the State of Texas.

The resolution was read and was adopted.

House Bill 620 on Second Reading

On motion of Senator Krueger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 620, A bill to be entitled "An Act amending Chapter 467, House Bill No. 77, Acts, Second Called Session, Forty-fifth Legislature as such has been heretofore amended, being the Texas Liquor Control Act, and being the Act carried in Vernon's Penal Code as Articles 666 and 667, so as to clarify such Act by making plain the intent of those seeking local option elections and providing for a remaining local option status quo in an area where

an attempt to legalize has failed; providing a savings clause; repealing laws in conflict herewith; and declaring an emergency."

The bill was read second time and passed to third reading.

**Motion to Place
House Bill 620 on Third Reading**

Senator Krueger moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 620 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

Yeas—19

Bates	Krueger
Calhoun	Owen
Crump	Parkhouse
Dies	Patman
Hardeman	Reagan
Harrington	Richter
Hazlewood	Schwartz
Herring	Spears
Kazen	Strong
Kennard	

Nays—9

Aikin	Ratliff
Blanchard	Rogers
Colson	Watson
Creighton	Word
Moffett	

Absent

Cole	Moore
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Absent—Excused

Hall

Senate Bill 465 on Second Reading

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 465, A bill to be entitled "An Act amending Chapter 373, Acts of the 57th Legislature, 1961, by adding a new Section 22A, providing that certain prosecution by the Federal Government or any of its agencies shall be a bar to similar prosecution by the State of Texas or any of its agencies, providing that cer-

tain proceedings by the Federal Government will serve as abatement to similar proceedings by the State of Texas or any of its agencies; providing that good faith compliance with certain orders, directives and judgments of the Federal Drug Administration shall be a bar to any action by the Commissioner of Health or any other agency of the State of Texas; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 465 on Third Reading

Senator Watson moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 465 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word

Nays—1

Rogers

Absent

Kennard

Absent—Excused

Hall

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Senate Bill 469 with
House Amendments**

Senator Harrington called S. B. No. 469 from the President's table for

consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate and the House amendments were read.

Senator Harrington moved that the Senate concur in the House amendments.

The motion prevailed.

House Bill 1031 Ordered Not Printed

On motion of Senator Ratliff and by unanimous consent H. B. No. 1031 was ordered not printed.

Senate Bill 48 Ordered Not Printed

On motion of Senator Owen and by unanimous consent S. B. No. 48 was ordered not printed.

Senate Bill 77 Ordered Not Printed

On motion of Senator Owen and by unanimous consent S. B. No. 77 was ordered not printed.

House Bill 672 Ordered Not Printed

On motion of Senator Colson and by unanimous consent H. B. No. 672 was ordered not printed.

Senate Bill 270 with House Amendments

Senator Hardeman called S. B. No. 270 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Hardeman moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

House Bill 939 Ordered Not Printed

On motion of Senator Colson and by unanimous consent H. B. No. 939 was ordered not printed.

House Bill 940 Ordered Not Printed

On motion of Senator Colson and by unanimous consent H. B. No. 940 was ordered not printed.

Senate Bill 147 Laid on Table Subject to Call

On motion of Senator Schwartz and by unanimous consent S. B. No. 147 was Laid on the Table Subject to Call.

Senate Bill 458 with House Amendments

Senator Word called S. B. No. 458 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Word moved that the Senate concur in the House amendments.

The motion prevailed.

House Bill 1037 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent H. B. No. 1037 was ordered not printed.

House Bill 1030 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent H. B. No. 1030 was ordered not printed.

House Bill 589 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent H. B. No. 589 was ordered not printed.

House Bill 974 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent H. B. No. 974 was ordered not printed.

House Bill 975 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent H. B. No. 975 was ordered not printed.

Recess

On motion of Senator Hardeman the Senate at 12:09 o'clock p.m. took recess until 2:00 o'clock p.m. today.

After Recess

The President called the Senate to order at 2:00 o'clock p.m. today.

Message from the House

Hall of the House of Representatives
Austin, Texas,
May 18, 1963.

Hon. Preston Smith, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to House Bill No. 371 by non-record vote.

The House has concurred in Senate amendments to House Bill No. 639 by non-record vote.

The House has concurred in Senate amendments to House Bill No. 206 by non-record vote.

The House has adopted the Conference Committee Report on Senate Bill No. 234 by a non-record vote.

The House has adopted the Conference Committee Report on Senate Bill No. 235 by a non-record vote.

The House has concurred in Senate amendments to House Bill No. 493 by non-record vote.

The House has adopted the Conference Committee Report on House Bill No. 264 by a vote of 146 ayes, 0 noes.

The House has concurred in Senate amendments to House Bill No. 191 by non-record vote.

S. C. R. No. 31, "Dedicating certain land to the City of Austin for street purposes."

S. C. R. No. 69, Congratulating the City of Carrollton on the 50th anniversary of its incorporation.

S. C. R. No. 72, Directing the Engraving and Enrolling Clerk of the Senate to correct Senate Bill No. 432.

The House concurred in Senate amendments to H. C. R. No. 37 by vote of 106 ayes, 32 noes.

The House has adopted the Conference Committee Report on Senate Bill No. 15 by a vote of 116 ayes, 28 noes.

Pursuant to S. C. R. 16 by Cole, providing for a committee to select a Poet Laureate; the Chair appoints

the following committee: Miller, Mann.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Message from the Governor

The following message received from the Governor today was read and was filed with the Committee on Nominations:

Austin, Texas,
May 18, 1963.

To the Senate of the Fifty-eighth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a member of the Board of Directors of the Lower Colorado River Authority, to fill an unexpired term, said term to expire January 1, 1969: John W. Hancock of El Campo, Wharton County.

Respectfully submitted,
JOHN CONNALLY,
Governor of Texas.

Leave of Absence

Senator Word was granted leave of absence for the remainder of the day on account of illness in the family on motion of Senator Blanchard.

At Ease

The President announced at 2:02 o'clock p.m. that the Senate will stand At Ease for five minutes for a committee meeting on Counties, Cities and Towns.

In Legislative Session

The President called the Senate to order as In Legislative Session at 2:07 o'clock p.m. today.

Conference Committee on Senate Bill 270

The President announced the appointment of the following as a Conference Committee on the part of the Senate on S. B. No. 270: Senators Hardeman, Chairman, Bates, Blanchard, Crump and Herring.

Vote Reconsidered on Concurrence in House Amendment to Senate Bill 85

On motion of Senator Watson and by unanimous consent the vote by

which the Senate concurred in House amendments to S. B. No. 85 today was reconsidered.

Senator Watson then by unanimous consent withdrew his motion to concur.

Presentation of Guests

Senator Hazlewood by unanimous consent presented as guests of the Senate today his aunts, Katherine Douglas and Mrs. Ada Douglas Donnell of Amarillo as guests and visitors of the Senate today.

(Senator Hardeman in the Chair.)

House Bill 457 Re-referred

On motion of Senator Moore and by unanimous consent H. B. No. 457 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on Privileges and Elections.

(President in the Chair.)

Reports of Standing Committees

Senator Creighton by unanimous consent submitted the following reports:

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 1021, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CREIGHTON, Chairman.

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 1022, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CREIGHTON, Vice-Chairman.

Senator Colson by unanimous consent submitted the following report:

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred H. B. No. 228, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

COLSON, Chairman.

House Bill 1022 Ordered Not Printed

On motion of Senator Hardeman and by unanimous consent H. B. No. 1022 was ordered not printed.

Senate Concurrent Resolution 32 with House Amendments

Senator Cole called S. C. R. No. 32 from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and House amendments before the Senate, and the House amendments were read.

Senator Cole moved that the Senate concur in the House amendments.

The motion prevailed.

House Bill 668 Re-referred

On motion of Senator Cole and by unanimous consent H. B. No. 668 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Insurance.

Report of Standing Committee

Senator Patman by unanimous consent submitted the following report:

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to whom was referred H. B. No. 289, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PATMAN, Chairman.

Senate Bill 494 on Second Reading

On motion of Senator Colson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 494, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Waller County Water Control and Improvement District—Sky Lakes; etc., and declaring an emergency."

The bill was read the second time.

Senator Colson offered the following amendment to the bill:

Amend Section 7 of Senate Bill No. 494 by striking out the following sentence: "Failure to call an election for directors will in no way affect the legal status of the District or the Board of Directors or the individual directors or the right of said Board of Directors to act or function and the directors shall serve until an election is held under the provisions of this law and the succeeding directors have been duly elected or appointed and have duly qualified."

The amendment was adopted.

On motion of Senator Colson and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 494 on Third Reading

Senator Colson moved that the Constitutional Rule and Senate Rules 32 and 38 requiring bills to be read on three several days be suspended and that S. B. No. 494 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Dies
Bates	Hardeman
Blanchard	Harrington
Calhoun	Hazlewood
Cole	Herring
Colson	Kazen
Creighton	Kennard
Crump	Krueger

Moffett	Richter
Moore	Rogers
Owen	Schwartz
Parkhouse	Spears
Patman	Strong
Ratliff	Watson
Reagan	

Absent—Excused

Hall	Word
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	

Absent—Excused

Hall	Word
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House Joint Resolution on First Reading

The following House Joint resolution received from the House, was read the first time and referred to the committee indicated:

H. J. R. No. 12, To the Committee on Constitutional Amendments.

Senate Bill 508 on Second Reading

On motion of Senator Calhoun and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 508, A bill to be entitled "An Act authorizing the Texas National Guard Armory Board to convey certain lands in Wood County, Texas; etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 508 on Third Reading

Senator Calhoun moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 508 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	

Absent—Excused

Hall Word

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	

Absent—Excused

Hall Word

Reports of Standing Committees

Senator Moore by unanimous consent submitted the following report:

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred H. B. No. 457, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

MOORE, Chairman.

Senator Moffett by unanimous consent submitted the following report:

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock, to whom was referred H. B. No. 854, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

MOFFETT, Chairman.

Senator Creighton by unanimous consent submitted the following reports:

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1024, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CREIGHTON, Vice Chairman.

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir, We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 484, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended, and be printed.

CREIGHTON, Vice Chairman.

Senator Crump by unanimous consent submitted the following report:

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 1051, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CRUMP, Chairman.

Senate Bill 382 on Second Reading

On motion of Senator Strong and and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 382, A bill to be entitled "An Act concerning the payment of aid and compensation to persons who have paid fines or served sentences for crimes of which they are not guilty; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Strong and by unanimous consent the vote by which S. B. No. 382 was passed to engrossment was reconsidered.

Senator Strong offered the following committee amendment to the bill:

Amend Senate Bill No. 382 by striking out all below the enacting clause and substitute in lieu thereof the following:

Section 1. Legislative Finding and Statement of Policy. The Legislature finds that the people of Texas by adding to the Constitution of the State of Texas Article III, Section 51(c), on November 6, 1956, have adopted the policy that persons who have been fined or have served sentences in prison for crimes of which they are not guilty should not bear the loss occasioned by this error, but that the people of the State should provide such persons with aid and compensation to reimburse and compensate them for their losses. It is the purpose of this Act to provide the means whereby such aid and compensation may be obtained by persons so wronged.

Section 2. Claimants Entitled to Aid and Compensation. A person is entitled to the aid and compensation provided by this act:

(a) if he has paid a fine of not less than One Hundred (\$100.00) Dollars or has served, in whole or in part, a sentence in prison under the laws of this State;

(b) if he pleaded "not guilty" to the charge for which he was convicted and which lead to the fine or imprisonment; and

(c) if he is not guilty of the crime for which he was fined or sentenced; and

(d) if has received a full pardon for the crime and punishment for which he was fined or sentenced;

(e) OR if he has been held in custody in any jail in the State for not less than six months under an accusation by indictment or otherwise for a crime of which he is not guilty and for which he has not been tried within five years from the date he was first so taken into custody.

Section 3. Permission to Sue State Granted—Venue—Service. Any person who by verified petition alleges that he is entitled to aid and compensation under this Act may bring suit against the State of Texas to determine whether he is so entitled. This Act grants permission to such persons to sue the State and the State's immunity from suit is hereby waived as to all actions brought under this Act. A person who sues the State under this Act shall bring suit in a court of competent jurisdiction either for the county of his residence at the time such suit is commenced or in a court of competent jurisdiction for Travis County. Service of citation upon the State shall be accomplished by service upon the Attorney General. The Attorney General shall represent the State in any proceeding brought under this Act.

Section 4. Proof Required. In order to obtain a judgment in his favor, a person who brings suit under this Act must establish by a preponderance of the evidence that he is entitled to aid and compensation under this Act and the amount of aid and compensation to which he is entitled. A portion of the evidence presented to establish that the person bringing suit is not guilty of the crime for which he was fined or imprisoned must be evidence which was discovered since

his conviction, if he was convicted, or evidence relating to circumstances which have arisen since his conviction, if he was convicted, OR if he has not been convicted, evidence relating to circumstances which have arisen since he was taken into custody. The judgment of conviction in the trial which resulted in the fine or imprisonment in question is not a defense on the part of the State to a suit brought under this Act, nor is an indictment, information, complaint or other formal accusation any defense.

Section 5. Admissible Evidence. The record of the trial at which the person bringing suit under this Act was convicted, if he was convicted, and the pardon or proclamation, if any, issued to him by the Governor are admissible as evidence, and all court papers, orders, docket notations or other writings of record in any court in this State pertaining to the accusation of one held in custody but not tried, are admissible in evidence in a trial of a suit brought under this Act as proof of the facts set out therein.

Section 6. Measure of Damages for Aid and Compensation. If the jury, or the judge where the cause is tried before the judge without a jury, finds that the claimant is entitled to aid and compensation, then the jury or the judge, as the case may be, shall assess the claimant's damages at such a sum of money as will fairly and reasonably compensate him:

(a) for the loss of capacity to earn money sustained by him as a proximate result of the erroneous conviction or imprisonment from the time of the conviction, if he has been convicted, in the trial court, or from the time he was taken into custody if he has not been convicted, and for as long thereafter as the loss shall continue;

(b) for the shame, humiliation, embarrassment and disgrace suffered by him as a proximate result of the erroneous conviction or imprisonment from the time of the conviction, if he has been convicted, in the trial court, or from the time he was taken into custody if he had not been convicted, and for so long thereafter as he shall continue to suffer this shame, humiliation, embarrassment and disgrace; and the nature of the accusation made against him may be considered in this connection;

(c) for the physical and mental pain

and suffering sustained by him as a proximate result of the erroneous conviction or imprisonment, from the time of conviction by the trial court, if he was convicted, or from the time he was taken into custody if he was not convicted, and for so long thereafter as he shall continue to suffer this pain and suffering, taking into consideration the nature of the accusation and the circumstances of the case;

(d) for all reasonable and necessary medical expenses incurred by him as a proximate result of the erroneous conviction or imprisonment, from the time of the conviction in the trial court, if he was convicted, or from the time he was taken into custody if he was not convicted, and for so long thereafter as he shall continue to sustain such medical expenses; and

(e) for all reasonable and necessary expenses incurred by him in defending himself against the charge which resulted in the erroneous conviction or imprisonment, and in case he was convicted, in an appeal from such conviction and in efforts to procure a pardon or parole.

It is provided, however, that the judge or jury, as the case may be, shall not assess the claimant's damages under subsection (b) of this Section 6 at an amount greater than Twenty-Five Thousand Dollars (\$25,000.00). It is further provided that the judge or jury, as the case may be, shall not assess the claimant's damages under subsection (c) of this Section 6 at an amount greater than Twenty-Five Thousand Dollars (\$25,000.00). It is further provided that the judge or jury, as the case may be, shall not assess the claimant's total damages under this Act at an amount greater than One Hundred Thousand Dollars (\$100,000.00).

Section 7. Survival of Cause of Action. A cause of Action arising under this Act shall not abate by reason of the death of the person erroneously fined or imprisoned; but in the case of the death of such person, the cause of action shall survive to and in favor of the surviving husband and wife and the children, but if such person should die leaving no surviving spouse or children, then in favor of the surviving parents.

Section 8. Limitation of Action. Any person claiming aid and compensation

under this Act whose claim is based upon a fine paid or a sentence served or time he was held in custody in jail without trial, in whole or in part, before the effective date of this Act must bring his action within two years after the effective date of this Act or within two years after he discovered or should have discovered the evidence substantiating his innocence. Any person claiming aid and compensation under this Act whose claim is based upon a fine paid or a sentence served or time he was held in custody in jail without trial, in whole or in part, after the effective date of this Act must bring his action within two years after he paid the fine or after he ceased serving the sentence of imprisonment or after his release from custody, or within two years after he discovered or should have discovered the evidence substantiating his innocence.

Section 9. Severability Clause. If any provision of this Act or the application thereof to any person or circumstance is held invalid, this invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared severable.

Section 10. Emergency Clause. The facts stated in Section 1 of this Act create an emergency and case of imperative public necessity; therefore, the Constitutional Rule requiring bills to be read on three several days in each house is suspended and this Act shall take effect from and after its passage.

The committee amendment was adopted.

On motion of Senator Strong and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Record of Vote

Senator Calhoun asked to be recorded as voting "Nay" on the passage of S. B. No. 382 to engrossment.

Senate Bill 382 on Third Reading

Senator Strong moved that the Constitutional Rule and Senate Rule 32

requiring bills to be read on three several days be suspended and that S. B. No. 382 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Cole	Owen
Colson	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Harrington	Richter
Hazlewood	Rogers
Herring	Schwartz
Kazen	Spears
Kennard	Strong

Nays—2

Calhoun	Watson
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Absent

Creighton

Absent—Excused

Hall

Word

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Calhoun asked to be recorded as voting "Nay" on the final passage of S. B. No. 382.

House Concurrent Resolution 8 on Second Reading

On motion of Senator Kennard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 8, Providing for the establishment of a Study Committee on Prevailing Wages and setting forth its duties.

The resolution was read and was adopted.

Record of Votes

Senator Hardeman, Owen, Rogers,

Hazlewood and Crump asked to be recorded as voting "Nay" on the adoption of the above resolution.

Reports of Standing Committees

Senator Creighton by unanimous consent submitted the following reports:

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 536, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CREIGHTON, Vice-Chairman.

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 607, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CREIGHTON, Vice-Chairman.

Senator Ratliff by unanimous consent submitted the following report:

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred H. B. No. 668, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RATLIFF, Chairman.

Senator Creighton by unanimous consent submitted the following reports:

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 1023, have had the same under consideration, and we are instructed

to report it back to the Senate with the recommendation that it do pass, and be printed.

CREIGHTON, Chairman.

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 610, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CREIGHTON, Chairman.

House Bill 607 Ordered Not Printed

On motion of Senator Herring and by unanimous consent H. B. No. 607 was ordered not printed.

House Bill 536 Ordered Not Printed

On motion of Senator Blanchard and by unanimous consent H. B. No. 536 was ordered not printed.

House Bill 1023 Ordered Not Printed

On motion of Senator Dies and by unanimous consent H. B. No. 1023 was ordered not printed.

House Bill 610 Ordered Not Printed

On motion of Senator Dies and by unanimous consent H. B. No. 610 was ordered not printed.

Senate Bill 505 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 505, A bill to be entitled "An Act amending Section 1 of Senate Bill No. 18, Chapter 11, Acts of 53rd Legislature, First Called Session, 1954 (Article 2654-3a, Section 1, V. T. C. S.), relating to the investment of the Permanent School Fund by the State Board of Education; repealing all laws to the extent of conflict only; and declaring an emergency."

The bill was read second time.

Senator Owen offered the following amendment to the bill:

Amend Section 1 of Senate Bill No. 505 by adding thereto a new sentence after the last word "exchange," such sentence to read: "In making each and all of such sales said Board of Education shall exercise the judgment and care under the circumstances then prevailing which men of ordinary prudence, discretion, and intelligence exercise in the management of their own affairs not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income therefrom as well as the probable safety of their capital."

The amendment was adopted.

On motion of Senator Aikin and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 505 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 505 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kennard
Bates	Krueger
Blanchard	Moffett
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson

Absent

Moore

Absent—Excused

Hall

Word

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	

Absent—Excused

Hall

Word

Reports of Standing Committees

Senator Creighton by unanimous consent submitted the following report:

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 1060, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Senator Dies by unanimous consent submitted the following reports:

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 906, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 849, have had the

same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed."

DIES, Chairman.

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 1027, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

Senator Creighton by unanimous consent submitted the following report:

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 1058, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 1059, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

House Bill 1060 Ordered Not Printed

On motion of Senator Kazen and by unanimous consent H. B. No. 1060 was ordered not printed.

House Bill 849 Ordered Not Printed

On motion of Senator Kazen and by unanimous consent H. B. No. 849 was ordered not printed.

House Bill 906 Ordered Not Printed

On motion of Senator Kazen and by unanimous consent H. B. No. 906 was ordered not printed.

House Bill 1027 Ordered Not Printed

On motion of Senator Kazen and by unanimous consent H. B. No. 1027 was ordered not printed.

Senate Bill 511 on Second Reading

On motion of Senator Owen and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 511, A bill to be entitled "An Act authorizing the School Land Board to exchange certain State owned school land for privately owned land, and authorizing the Land Commissioner to issue patents to private individuals covering said State owned school land; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 511 on Third Reading

Senator Owen moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 511 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kennard
Bates	Krueger
Blanchard	Moffett
Calhoun	Moore
Cole	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Hardeman	Richter
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson

Nays—1

Rogers

Absent—Excused

Hall

Word

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 507 on Second Reading

On motion of Senator Crump and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 507, A bill to be entitled "An Act relating to deer in San Saba County; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 507 on Third Reading

Senator Crump moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 507 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	

Absent—Excused

Hall	Word
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Report of Standing Committee

Senator Moffett by unanimous consent submitted the following report:

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock, to whom was referred H. B. No. 443, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Senate Bill 449 on Second Reading

On motion of Senator Spears and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 449, A bill to be entitled "An Act to clarify the Status of the Criminal District Attorney of Bexar County, to harmonize the statutes that relate to this office, providing for the office and that the office shall be filled during the current term by the officer that is presently holding this office, providing for election every four years, oath, qualifications and bond requirements for the officer to fill this office; providing the duties of the office; for the salary of such office; the method of commissioning such office, functions of the office and territorial jurisdiction as being within the confines of Bexar County, Texas; etc., and declaring an emergency."

The bill was read second time.

Senator Spears offered the following amendment to the bill:

Amend S. B. No. 449, page 2 of the printed bill, by inserting after the words "Commissioner's Court" appearing on line 64, the words "is authorized" and by striking the word "shall" and substituting in lieu thereof the word "to."

The amendment was adopted.

Senator Spears offered the following amendment to the bill:

Amend S. B. No. 449, by striking therefrom the words, "during the regular election in 1966" appearing on lines 58-59, page 1 of the printed bill.

The amendment was adopted.

Senator Spears offered the following amendment to the bill:

Amend S. B. No. 449, page 1, lines 57 and 58 of the printed bill, by strik-

ing the words and figures "31st day of December 1967," and substituting in lieu thereof, "1st day of January, 1967."

The amendment was adopted.

Senator Spears offered the following amendment to the bill:

Amend S. B. No. 449, line 45, page 1 of the printed bill, by striking the word "is" and substituting in lieu thereof the word "are."

The amendment was adopted.

Senator Spears offered the following amendment to the bill:

Amend S. B. No. 449, p. 3 of the printed bill by changing the period on line 43 to a comma and adding after the comma the following: "and any other law in direct conflict with this Act is hereby repealed to the extent of such conflict."

The amendment was adopted.

Senator Spears offered the following amendment to the bill:

Amend S. B. No. 449, page 3, of the printed bill by striking the sentence beginning on line 21 of page 3 and ending on line 26 of page 3, and substituting in lieu thereof the following sentence:

"The Commissioners Court of Bexar County and the Criminal District Attorney of Bexar County, acting in conjunction and upon the approval of both, shall employ any such special counsel and such employment shall be made for such time and on such terms as they may jointly deem necessary, expedient and proper."

The amendment was adopted.

On motion of Senator Spears and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 449 on Third Reading

Senator Spears moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 449 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kennard
Bates	Krueger
Blanchard	Moffett
Calhoun	Moore
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson

Absent

Owen

Absent—Excused

Hall

Word

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 1058 Ordered Not Printed

On motion of Senator Richter and by unanimous consent H. B. No. 1058 was ordered not printed.

House Bill 1059 Ordered Not Printed

On motion of Senator Richter and by unanimous consent H. B. No. 1059 was ordered not printed.

House Bill 204 on Second Reading

Senator Krueger asked unanimous consent to suspend the regular order of business and take up H. B. No. 204 for consideration at this time.

There was objection.

Senator Krueger then moved to suspend the regular order of business and take up H. B. No. 204 for consideration at this time.

The motion prevailed by the following vote:

Yeas—18

Aikin	Colson
Blanchard	Dies
Calhoun	Hardeman
Cole	Hazlewood

Krueger	Richter
Moffett	Rogers
Parkhouse	Spears
Patman	Strong
Ratliff	Watson

Nays—5

Bates	Moore
Harrington	Schwartz
Herring	

Absent

Creighton	Kennard
Crump	Owen
Kazen	Reagan

Absent—Excused

Hall	Word
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The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 204, A bill to be entitled "An Act to amend the subject matter of the Texas Unemployment Compensation Act, as amended, Chapter 482, Acts of the 44th Legislature, Third Called Session, 1936, as amended, and as embraced in Section 5 providing for disqualifications for benefits by adding to Section 5 a new subsection to be known as (g) pertaining to certain students; providing for an effective date for this Act; and declaring an emergency."

The bill was read second time and was passed to third reading.

Record of Votes

Senator Harrington, Herring and Bates asked to be recorded as voting "Nay" on the passage of H. B. No. 204 to third reading.

Motion to Place

House Bill 204 on Third Reading

Senator Krueger moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 204 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

Yeas—19

Aikin	Colson
Blanchard	Hardeman
Calhoun	Hazlewood
Cole	Krueger

Moffett	Rogers
Parkhouse	Schwartz
Patman	Spears
Ratliff	Strong
Reagan	Watson
Richter	

Nays—5

Bates	Herring
Dies	Moore
Harrington	

Absent

Creighton	Kennard
Crump	Owen
Kazen	

Absent—Excused

Hall	Word
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Motion to Place

Senate Bill 455 on Second Reading

Senator Rogers asked unanimous consent to suspend the regular order of business and take up S. B. No. 455 for consideration at this time.

There was objection.

Senator Rogers then moved to suspend the regular order of business and take up S. B. No. 455 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—16

Aikin	Krueger
Bates	Moore
Calhoun	Parkhouse
Cole	Reagan
Colson	Richter
Harrington	Rogers
Hazlewood	Schwartz
Herring	Strong

Nays—11

Blanchard	Owen
Creighton	Patman
Dies	Ratliff
Hardeman	Spears
Kazen	Watson
Moffett	

Absent

Crump	Kennard
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Absent—Excused

Hall	Word
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(Senator Moore in the Chair.)

House Bill 204 on Third Reading

Senator Krueger moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 204 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Owen
Blanchard	Parkhouse
Calhoun	Patman
Cole	Ratliff
Colson	Reagan
Creighton	Richter
Crump	Rogers
Hardeman	Schwartz
Hazlewood	Spears
Krueger	Strong
Moffett	Watson

Nays—5

Dies	Kazen
Harrington	Moore
Herring	

Absent

Bates	Kennard
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Absent—Excused

Hall	Word
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The Presiding Officer then laid the bill before the Senate on its third reading and final passage the following bill:

H. B. No. 204, A bill to be entitled "An Act to amend the subject matter of the Texas Unemployment Compensation Act, as amended, Chapter 482, Acts of the 44th Legislature, Third Called Session, 1936, as amended, and as embraced in Section 5 providing for disqualifications for benefits by adding to Section 5 a new subsection to be known as (g) pertaining to certain students; providing for an effective date for this Act; and declaring an emergency."

The bill was read third time and passed.

House Bill 738 on Second Reading

Senator Blanchard asked unanimous consent to call from the President's Table H. B. No. 738 on its second reading and passage to third reading.

Question—Shall H. B. No. 738 be called from the President's Table? (The bill having been read on Thursday, April 25, 1963 and Laid on the Table Subject to Call.)

There was objection.

Senator Blanchard then moved to call from the President's Table H. B. No. 738 on its second reading and passage to third reading.

The motion prevailed.

Question—Shall H. B. No. 738 be passed to third reading?

Senator Blanchard offered the following amendment to the bill:

Amend House Bill No. 738 by striking paragraph (e) of Section 2 and substituting in lieu thereof the following:

"(e) The appointive trustees for such district shall serve terms of two (2) years."

The amendment was adopted.

Senator Blanchard offered the following amendment to the bill:

Amend House Bill No. 738 by striking out Section 8 and substituting in lieu thereof the following:

"The importance of this legislation and the crowded condition of the calendar in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

Senator Blanchard offered the following amendment to the bill:

Amend House Bill 738 by striking the following from Section 1:

"having a population of not less than one hundred thousand (100,000) nor more than two hundred thousand (200,000) according to the last preceding federal census,"

The amendment was adopted.

Record of Vote

Senator Owen asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Blanchard offered the following amendment to the bill:

Amend House Bill No. 738 by striking out all above the enacting clause and substituting in lieu thereof the following:

"A bill to be entitled, An Act establishing, authorizing, and providing for the _____ County Industrial Training School District' located in any county in this state, so as to provide vocational training for residents and non-residents of such county; authorizing the election and terms in office of three (3) trustees, and authorizing them to appoint four (4) certain additional persons to serve with them on such governing board for a term of no longer than two (2) years; providing certain powers and duties of such board; authorizing the issuance of bonds and notes in the accomplishment of the district's purposes; authorizing such district to levy, assess, and collect taxes; providing that the district shall be operated on its tax revenue, tuition, if any, gifts, donations, and endowments, and shall never become a charge against the state, or require appropriations therefrom; authorizing the abolishment of said district and the disposition of its affairs; providing a severability clause; and declaring an emergency."

The amendment was adopted.

The bill as amended was passed to third reading.

Record of Votes

Senators Dies, Strong, Schwartz, Hazlewood, Moffett, Creighton, Crump, Hardeman and Calhoun asked to be recorded as voting "Nay" on the passage of H. B. No. 738 to third reading.

House Bill 500 on Second Reading

On motion of Senator Cole and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 500, A bill to be entitled "An Act authorizing and directing the Board of Regents of the University of Texas to establish a graduate school of biomedical sciences in Houston, Harris County, Texas, to be known as the University of Texas Graduate School of Biomedical Sciences, and to be operated as a

component unit of The University of Texas system, etc., and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 500 on Third Reading

Senator Cole moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 500 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Kennard
Bates	Krueger
Blanchard	Moffett
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Rogers
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	

Nays—1

Schwartz

Absent

Moore

Absent—Excused

Hall

Word

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Bill Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bill:

H. B. No. 68, A bill to be entitled "An Act amending Article 198 of the Revised Civil Statutes of Texas, 1925, as last amended by Chapter 641, Acts of the 47th Legislature, Regular Session, 1941, and Article 1817 of the Revised Civil Statutes of Texas, 1925, as last amended by Chapter 421, Acts

of the 55th Legislature, Regular Session, 1957, so as to create the Twelfth Supreme Judicial District; etc.; and declaring an emergency."

**Motion to Place
Senate Bill 319 on Third Reading**

Senator Spears moved to suspend the regular order of business to take up Senate Bill No. 319 on its third reading and final passage.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—14

Bates	Moffett
Calhoun	Parkhouse
Cole	Richter
Dies	Rogers
Harrington	Spears
Herring	Strong
Kennard	Watson

Nays—14

Aikin	Kazen
Blanchard	Krueger
Colson	Owen
Creighton	Patman
Crump	Ratliff
Hardeman	Reagan
Hazlewood	Schwartz

Absent

Moore

Absent—Excused

Hall Word

Senate Bill 48 on Second Reading

On motion of Senator Owen and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 48, A bill to be entitled "An Act relating to and fixing minimum and maximum salaries of the official shorthand reporter for the 34th, the 41st, the 65th, and the 120th Judicial Districts of Texas; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 48 on Third Reading

Senator Owen moved that the Constitutional Rule and Senate Rule 32

requiring bills to be read on three several days be suspended and that S. B. No. 48 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kennard
Bates	Krueger
Blanchard	Moffett
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson

Absent

Moore

Absent—Excused

Hall Word

The bill was read the third time.

Senator Owen offered the following amendment to the bill:

Amend Senate Bill No. 48 by deleting all below the enacting clause and substituting in lieu thereof the following:

"Section 1. From and after the passage of this Act the official shorthand reporter for the 34th Judicial District of Texas, composed of the counties of El Paso, Hudspeth, and Culberson, and the 41st Judicial District of Texas composed of the county of El Paso, and the 65th Judicial District of Texas composed of the county of El Paso, and the 120th Judicial District of Texas composed of the county of El Paso shall receive a salary of not less than Six Thousand Six Hundred Dollars (\$6,600.00) per annum, nor more than Eight Thousand Five Hundred Dollars (\$8,500.00) per annum, which shall be determined, fixed and set by the judge of said district and at the pleasure of said judge; and from and after the time that said judge shall have entered an order in the minutes of the court, in each county of said district, which order shall be a public record and open for inspection, stat-

ing specifically the amount of salary to be paid to said reporter, and shall have filed a copy of said order with each Commissioners Court of the district, the salary so determined, fixed and set shall be paid monthly, by and in the proportion for each county of the district as provided by law, out of the General Fund, or out of the Jury Fund, or out of any fund available for the purpose.

"Sec. 2. The official court reporters herein named shall, in addition to their other duties, perform such additional duties as may be assigned to the respective court reporter by the judge of the respective district; and the judge of each said district herein named may assign the official court reporter of his said district to any other court herein named or into the County Court or County Courts at Law of El Paso County, Texas, whenever he deems it proper and expedient.

"Sec. 3. From and after the passage of this Act, all provisions of the law relating to the appointment, qualifications and duties of official shorthand reporters in this state, and as to allowances to them of transcript fees and hotel and traveling expense, shall govern, save and except as herein set forth and save and except that when the salary of the official shorthand reporter for the 34th Judicial District, the 41st Judicial District, the 65th Judicial District and the 120th Judicial District shall have been determined, fixed and set by the judge of said districts, in the manner and within the amount limits as in this Act provided, said salary shall be paid to said official shorthand reporter as in this Act provided, and not otherwise.

"Sec. 4. The fact that the official shorthand reporter of the District Court is paid a salary which is below the present standard for comparable services; the further fact that the cost of living has materially increased; that economic conditions have brought about increases in prices of all commodities, and that an adjustment in salary is necessary at once, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted by the following vote:

Yea—29

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	

Absent—Excused

Hall	Word
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On motion of Senator Owen and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The President then laid the bill before the Senate on its final passage.

The bill as amended was passed by the following vote:

Yea—29

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	

Absent—Excused

Hall	Word
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Senate Bill 77 on Second Reading

On motion of Senator Owen and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 77, A bill to be entitled "An Act relating to and fixing minimum and maximum salaries of the official short hand reporters in each of the county courts at law, civil and criminal in El Paso County, Texas; and declaring an emergency."

The bill was read second time.

Senator Owen offered the following amendment to the bill:

Amend Senate Bill No. 77 by deleting all below the enacting clause and substituting in lieu thereof the following:

"Section 1. From and after the passage of this Act the official shorthand reporters for each of the county courts at law, civil and criminal, in El Paso County, Texas, shall receive a salary of not less than Six Thousand Six Hundred (\$6,600.00) Dollars per annum, nor more than Eight Thousand Five Hundred (\$8,500.00) Dollars per annum, which shall be determined, fixed and set by the judge of each respective court and at the pleasure of such judge; and from and after the time that said judge shall have entered an order in the minutes of the court, in said county, which order shall be a public record and open for inspection, stating specifically the amount of salary to be paid to said reporter, and shall have filed a copy of said order with the Commissioners Court of the county, the salary so determined, fixed and set shall be paid monthly by and in the proportion for the county as provided by law out of the General Fund, or out of the Jury Fund, or out of any fund available for the purpose.

"Sec. 2. The official court reporters herein named shall, in addition to their other duties, perform such additional duties as may be assigned to the respective court reporter by the judge of the respective county court; and the judge of each said county court herein named may assign the official court reporter of his said county court to any other court herein named or into the Judicial District Courts of El Paso County, Texas, whenever he deems it proper and expedient.

"Sec. 3. From and after the passage of this Act, all provisions of the law relating to the appointment, qualifications and duties of official shorthand reporters in this state, and as to allowances to them of transcript fees and hotel and traveling expense,

shall govern, save and except as herein set forth, and save and except that when the salary of the official shorthand reporter for the county courts of El Paso County shall have been determined and fixed by the judge of said county in the manner and within the amount limits as in this Act provided, said salary shall be paid to said official shorthand reporter as in this Act provided, and not otherwise.

"Sec. 4. The fact that the official shorthand reporters of the county courts are paid a salary which is below the present standard for comparable services; the further fact that the cost of living has materially increased; that economic conditions have brought about increases in prices of all commodities, and that an adjustment in salary is necessary at once, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

On motion of Senator Owen and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 77 on Third Reading

Senator Owen moved that the Constitutional Rule and Senates Rules 32 and 38 requiring bills to be read on three several days be suspended and that S. B. No. 77 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Herring
Bates	Kazen
Blanchard	Krueger
Calhoun	Moffett
Cole	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Hardeman	Richter
Harrington	Rogers
Hazlewood	Schwartz

Spears
Strong

Watson

Absent

Kennard Moore

Absent—Excused

Hall Word

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Krueger
Bates	Moffett
Blanchard	Owen
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	

Absent

Kennard Moore

Absent—Excused

Hall Word

House Bill 607 on Second Reading

Senator Herring moved that Senate Rules, 13, 32 and 38 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 607 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Harrington
Bates	Hazlewood
Blanchard	Herring
Calhoun	Kazen
Cole	Krueger
Colson	Moffett
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Hardeman	Ratliff

Reagan
Richter
Rogers
Schwartz

Spears
Strong
Watson

Absent

Kennard Moore

Absent—Excused

Hall Word

The President then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 607, A bill to be entitled "An Act authorizing the commissioners court in certain counties to furnish an automobile, including expenses of operation thereof, to each county commissioner for use in official business; repealing conflicting laws; and declaring an emergency."

The bill was read the second time and was passed to third reading.

House Bill 607 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President laid H. B. No. 607 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—25

Aikin	Krueger
Bates	Moffett
Blanchard	Owen
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	

Nays—1

Rogers

Absent

Hardeman Moore
Kennard

Absent—Excused

Hall Word

Senate Bill 502 on Second Reading

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 502, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as 'Friendswood Drainage District of Galveston County, Texas'; etc., and declaring an emergency."

The bill was read second time.

Senator Schwartz offered the following amendment to the bill:

Amend Section 2 of Senate Bill No. 502 by inserting a new sentence between the third and fourth sentences, reading as follows:

"Provided, however, that before issuing any construction bonds said District shall submit plans and specifications therefor to the Texas Water Commission (successor to State Board of Water Engineers) for approval in the manner required by Acts of the 57th Legislature, Regular Session, Chapter 336, 1961, codified in Vernon's Annotated Civil Statutes of Texas as Article 7880-139, and said District's project and improvements during the course of construction shall be subject to inspection in the manner provided by said Article 7880-139."

The amendment was adopted.

Senator Schwartz offered the following amendment to the bill:

Amend Senate Bill 502 by substituting the following description of the boundaries of said drainage district for the description contained in the bill:

Beginning at the intersection of the Brazoria-Galveston County Line with the Galveston-Harris County Line at Clear Creek;

Thence in a generally easterly and southeasterly direction along the meanders of the Galveston-Harris County Line along Clear Creek to its intersection with the southeast line of the Sloan's Second Subdivision in the John Dickinson Survey (A-9);

Thence southwestwardly along said southeast line of said Sloan's Second Subdivision to an intersection with the

north line of the I. & G. N. RR Co. Survey 3 (A-614) and with the south line of said John Dickinson Survey;

Thence westwardly with the north line of said I. & G. N. RR Co. Survey 3 and with the most easterly north line of the I. & G. N. RR Co. Survey 4 (A-608) and with the south line of said John Dickinson Survey to the southwest corner of said John Dickinson Survey, said corner being an interior corner of said I. & G. N. RR Co. Survey 4;

Thence north with the west line of said John Dickinson Survey and with the most northerly east line of said I. & G. N. RR Co. Survey 4 to the southeast corner of the Mary Fabreau Survey (A-69);

Thence southwesterly with the southeast line of said Mary Fabreau Survey and with a northwest line of said I. & G. N. RR Co. Survey 4 to the south corner of said Mary Fabreau Survey; being an interior corner of said I. & G. N. RR Co. Survey 4;

Thence northwesterly with the southwest line of said Mary Fabreau Survey to an intersection with the easterly projection of the most northerly north line of the B.S. & F. Survey 5 (A-625);

Thence westerly along said easterly projection of said north line of said B.S. & F. Survey 5 to an intersection with the easterly line of the Mary Sloan Survey (A-184), said intersection being the most northerly northwest corner of said B.S. & F. Survey No. 5 and the middle southwest corner of the B.S. and F. Survey 6 (A-645);

Thence northerly with the easterly line of said Mary Sloan Survey and with a west line of said B.S. & F. Survey 6 to the northeast corner of said Mary Sloan Survey;

Thence westwardly with the north line of the Mary Sloan Survey to an intersection with the southeast line of the William Henry Survey (A-84);

Thence northeasterly with the southeast line of said William Henry Survey to an intersection with the southwest line of the A. H. Jackson Survey (A-178), said intersection being the east corner of said William Henry Survey;

Thence northwestwardly with the southwest line of said A. H. Jackson Survey and with the northeast line of said William Henry Survey to the west corner of said A. H. Jackson Survey, said corner being the south

corner of the R. Hoppel Survey (A-83);

Thence northeasterly with the northwest line of said A. H. Jackson Survey and with the southeast line of said R. Hoppel Survey to an intersection with the southwest line of the Sarah McKissick Survey (A-151);

Thence northwestwardly with the southwest line of said Sarah McKissick Survey or northwesterly projection thereof to an intersection with the Brazoria-Galveston County line;

Thence northerly with said Brazoria-Galveston County Line to its intersection with the Galveston-Harris County Line at Clear Creek and the place of beginning, containing 7,814 acres, more or less.

The amendment was adopted.

On motion of Senator Schwartz and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 502 on Third Reading

Senator Schwartz moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 502 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Kazen
Bates	Krueger
Blanchard	Moffett
Calhoun	Moore
Cole	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Richter
Dies	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson

Absent

Kennard	Reagan
Ratliff	

Absent—Excused

Hall	Word
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The President then laid the bill be-

fore the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 503 on Second Reading

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 503, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as 'Bacliff Municipal Utility District of Galveston County, Texas'; etc., and declaring an emergency."

The bill was read the second time.

Senator Schwartz offered the following amendment to the bill:

Amend Section 2 of Senate Bill No. 503 by inserting a new sentence between the third and fourth sentences, reading as follows:

"Provided, however, that before issuing any construction bonds said District shall submit plans and specifications therefor to the Texas Water Commission (successor to State Board of Water Engineers) for approval in the manner required by Acts of the 57th Legislature, Regular Session, Chapter 336, 1961, codified in Vernon's Annotated Civil Statutes of Texas as Article 7880-139, and said District's project and improvements during the course of construction shall be subject to inspection in the manner provided by said Article 7880-139."

The amendment was adopted.

On motion of Senator Schwartz and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 503 on Third Reading

Senator Schwartz moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that

S. B. No. 503 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	

Absent—Excused

Hall Word

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 504 on Second Reading

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 504, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as 'Bayview Municipal Utility District of Galveston County, Texas'; etc.; and declaring an emergency."

The bill was read the second time.

Senator Schwartz offered the following amendment to the bill:

Amend Section 2 of Senate Bill No. 504 by inserting a new sentence between the third and fourth sentences, reading as follows:

"Provided, however, that before issuing any construction bonds said District shall submit plans and specifications therefor to the Texas Water Commission (successor to State Board

of Water Engineers) for approval in the manner required by Acts of the 57th Legislature, Regular Session, Chapter 336, 1961, codified in Vernon's Annotated Civil Statutes of Texas as Article 7880-139, and said District's project and improvements during the course of construction shall be subject to inspection in the manner provided by said Article 7880-139."

The amendment was adopted.

On motion of Senator Schwartz and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 504 on Third Reading

Senator Schwartz moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 504 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	

Absent—Excused

Hall Word

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 452 Re-referred

On motion of Senator Blanchard and by unanimous consent S. B. No. 452 was withdrawn from the Com-

mittee on Counties, Cities and Towns and re-referred to the Committee on Legislative, Congressional and Judicial Districts.

House Bill 682 on Second Reading

On motion of Senator Blanchard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 682, A bill to be entitled "An Act relating to requiring the Commissioners Court of Lubbock County to supplement the salaries of the District Judges of the 72nd, 99th, and 140th Judicial Districts of Texas; making other provisions relating thereto; providing a severability clause; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 682 on Third Reading

Senator Blanchard moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 682 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	

Absent—Excused

Hall	Word
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	

Absent—Excused

Hall	Word
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House Bill 688 on Second Reading

Senator Moffett asked unanimous consent to suspend the regular order of business and take up H. B. No. 688 for consideration at this time.

There was objection.

Senator Moffett then moved to suspend the regular order of business and take up H. B. No. 688 for consideration at this time.

The motion prevailed by the following vote:

Yeas—23

Aikin	Krueger
Bates	Moffett
Calhoun	Owen
Cole	Patman
Colson	Reagan
Creighton	Richter
Crump	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kennard	

Nays—1

Parkhouse

Absent

Blanchard	Moore
Dies	Ratliff
Kazen	

Absent—Excused

Hall	Word
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The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 688, A bill to be entitled "An Act authorizing and directing the Board for Texas State Hospitals and Special Schools, acting by the Executive Director thereof, to execute and deliver to Midwestern University of Wichita Falls, Texas, a State-owned University, all rights and title to certain tracts of land located in Wichita County, Texas; and declaring an emergency."

The bill was read second time.

Senator Moffett offered the following amendment to the bill:

Amend H. B. No. 688 by striking out all of the first part of Sec. 1 beginning with the word "execute" and insert in lieu thereof the following:

"lease the following described land to Midwestern University for \$1.00 per year until such time as the Hospital Board shall have a need for said land."

The amendment was adopted.

Senator Parkhouse offered the following amendment to the bill:

Amend H. B. No. 688 by striking out Sec. 2 and 3 of said bill.

The amendment was adopted.

On motion of Senator Moffett and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 688 on Third Reading

Senator Moffett moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 688 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Creighton
Bates	Crump
Blanchard	Dies
Calhoun	Hardeman
Colson	Harrington

Hazlewood	Patman
Herring	Reagan
Kennard	Richter
Krueger	Rogers
Moffett	Schwartz
Moore	Spears
Owen	Strong
Parkhouse	Watson

Absent

Cole	Ratliff
Kazen	

Absent—Excused

Hall	Word
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 513 on First Reading

By unanimous consent the following local bill was introduced, read first time and referred to the committee indicated:

By Senator Kennard:

S. B. No. 513, A bill to be entitled "An Act limiting the maximum working hours for Peace Officers of all counties over five hundred thousand (500,000) population according to the last preceding Federal Census; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

House Bill 558 Re-referred

On motion of Senator Hazlewood and by unanimous consent H. B. No. 558 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on Education.

Reports of Standing Committees

Senator Crump by unanimous consent submitted the following report:

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Education, to which was referred H. B. No. 542, have had the same under consideration, and we are instructed to report it back to the Senate with

the recommendation that it do pass and be printed.

CRUMP, Chairman.

Senator Creighton by unanimous consent submitted the following report:

Austin, Texas,
May 18, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 909, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Vice-Chairman.

Conference Committee Report on
House Bill 264

Senator Spears submitted the following Conference Committee Report on H. B. No. 264:

Austin, Texas,
May 8, 1963.

Hon. Preston Smith, President of the Senate:

Hon. Byron Tunnell, Speaker of the House of Representatives:

Sirs: We, your Conference Committee appointed to adjust the differences between the House and the Senate on House Bill No. 264 have met and adjusted our differences and beg leave to recommend that House Bill No. 264 be passed in the form attached hereto.

Respectfully submitted,

SPEARS
BATES
HERRING
MOORE
REAGAN,

On the part of the Senate.

SMITH
SEGREST
KOTHMANN
BERRY
BUTLER,

On the part of the House.

H. B. No. 264—

A BILL
TO BE ENTITLED

AN ACT amending Acts of 1941, Forty-Seventh Legislature, Chapter 105, page 134, as amended (Vernon's Texas Civil Statutes, Article 6243f); amending Section 4 thereof as amended, providing for addi-

tional contributions of the city to the Fund; amending Section 1 thereof, as amended, by providing for the creation of a Firemen's and Policemen's Pension Fund (or the continuation thereof where previously created) and a permanent pension system in incorporated cities having a fully paid Fire and Police Department when such cities have a population of more than five hundred fifty thousand (550,000) and less than six hundred fifty thousand (650,000) inhabitants, according to the last preceding Federal Census or any future Federal Census; by amending Section 17 thereof, as amended, by combining paragraphs 3 and 4 thereof to provide that the same percentage which hitherto could be invested in shares of stock of certain companies may be invested in such companies only when they are solvent, paying dividends, and have not defaulted in the payment of any debt within five years and forbidding investment in shares of any oil, manufacturing or mercantile corporation unless same has a net worth of not less than two million five hundred thousand dollars (\$2,500,000.00); increasing the percentage of the Fund which can be invested in national banks and life and fire and casualty insurance companies of certain types from twenty per cent (20%) to twenty-five per cent (25%); providing that a sum not to exceed fifty per cent (50%) of said fund may be invested in first mortgage bonds or debentures of any solvent dividend paying corporation which has not defaulted on any debt in five (5) years; and providing that the entire fund may be invested in government and municipal securities or in bonds and debentures, the payment of which is guaranteed by an agency of the United States Government; by adding a new section to be known as Section 25, providing for the establishment of a Group II Fund and a Group II Membership thereof within said Fund, and providing that all duly enrolled and appointed firemen and policemen who begin their probationary period after the effective date of this Act and complete same, shall be Group II members and shall have deducted from their monthly salary an amount equal to seven and one-half per cent (7½%) of a base figure,

and that such city shall exactly match the sum of all such deductions as and when made; and providing for a schedule of specific monthly retirement, death and disability benefits for such Group II Members and their beneficiaries; and providing that the monies of such Group II Fund shall be kept completely segregated from all other Fund monies; and providing that all provisions of the Statute (Art. 6243f) as originally enacted, and as previously amended, shall remain in full force and effect as to such Group II Members and Group II Fund except as specifically amended or changed by this Act as applicable to such Group II Members only or as changed by necessary implication; and providing a savings clause; and declaring an emergency.

Whereas, An actuarial survey of the Pension Fund of the San Antonio Fire and Police Departments by the firm of Rudd & Wisdom, Actuaries, Austin, reveals an actuarial deficit in such Fund of approximately Twenty Million Dollars (\$20,000,000); and

Whereas, The stabilization and refunding of said Fund is beneficial to the future financial security of the members of said departments and of their beneficiaries and to the morale, recruitment and efficiency thereof; and

Whereas, Said Fund cannot be refunded until it is first stabilized and the continuing increase in such deficit halted, but such stabilization should not be at the expense of benefits promised present members at the time of their employment on the one hand or at prohibitive future cost to city taxpayers on the other hand; and

Whereas, The actuarial study shows that by continuing present benefits for present members without any reduction thereof, (assuming the continuation of the national economy at more or less present levels) that the actuarial deficit can be eliminated in approximately fifty (50) years if (1) a new fund is established for future members on an actuarially sound basis, and (2) if approximately Forty-five Thousand Dollars (\$45,000) per month is paid into the present Fund for such period of years with no decrease (or increase) in either present payroll deductions, matching amounts out of the City

Treasury, or parking meter money, taking into account also a three per cent (3%) return on investment of the reserves; and

Whereas, By choice of the men of both departments, committees of twenty (20) firemen and twenty (20) policemen each were set up almost two years ago to study this problem and recommend a solution thereof to the City, to the members, and to the Legislature; and

Whereas, Such committees worked diligently on said problem, acquiring information on various firemen and policemen's pension funds across the entire nation, and have studied the actuarial report, and have conferred with the Board of Trustees of this Fund, with representatives of the City Council, and with the legal advisor of the Board; and

Whereas, Said committees formulated a basic plan calling for the creation of a new Group II Fund for future members which is the principal subject matter of this Act, in consideration of the payment of extra money into the present Fund by the City at the Forty-five Thousand Dollars (\$45,000) per month level with all other present factors (benefits, deductions, matching funds, etc.) to be kept at present levels for present members; and

Whereas, The Board of Trustees of the Fund officially called this problem and such proposed solution to the attention of the City Council by letter signed by the Chairman thereof dated July 31, 1962; and

Whereas, The City Council by a Resolution passed and approved on November 14, 1962, accepted this basic solution and, depending upon the contingency of the creation by this legislation of a Group II Fund for future members on an actuarially sound basis, committed the City to an additional contribution to the present Fund of at least Thirty Thousand Dollars (\$30,000) per month beginning the next fiscal year, with an increase of at least Five Thousand Dollars (\$5,000) per month therein in the monthly amount for the next fiscal year thereafter and increasing at the same rate until a level of Forty-five Thousand Dollars (\$45,000) per month in added funds is reached, and to be maintained at that rate, for as long as necessary to completely refund the present Fund; and

Whereas, This plan, after full discussion, was submitted to the entire

Fund membership of the Fire Department for referendum vote by secret ballot by voting machine on December 17, 1962, and was approved by them by a vote of 329 to 109; and

Whereas, This plan, after full discussion, was submitted to the entire Fund membership of the Police Department for referendum vote by secret ballot by voting machine on December 21, 1962, and was approved by them by a vote of 415 to 81; and

Whereas, The benefits for Group II members included in this Act are substantial, and compare favorably with most fire and police pension plans in this country, and the members thereof will have accepted employment voluntarily knowing the amount and scope of such benefits, and will enjoy a pension fund that is sound and secure from its beginning, and established on a basis which will insure the continuation of such fully liquid condition; and

Whereas, Future actuarial surveys and experience may eventually reveal the feasibility of an equalization of benefits and provisions between the two groups, dependent first upon the refunding of the Group I Fund; and

Whereas, The actuarial deficit threatening the present fund has accumulated over a period of many years and has reached such proportions that it must be refunded on an installment basis over an extended period of time because the refunding of same on any other basis would place an impossible tax burden on the entire population of the City, which would imperil the indefinite continuation of the Fund on any basis, or at least require curtailment of benefits; and

Whereas, Delay in halting the increase in this deficit and in postponing the beginning of its refunding will make it harder to achieve such objectives at all; and

Whereas, Such legislation is subject to biannual review by the Legislature as circumstances and experience should require; and

Whereas, Population changes in the 1960 Federal Census make it advisable to reclassify the application of Article 6243f to insure uninterrupted continuation of pension rights thereunder; and

Whereas, Technical changes in Section 17 of Article 6243f have been recommended by the financial advisors to the Board of Trustees of the Fund for greater flexibility in the

making of investments of monies in the Reserve Retirement Fund; now, therefore,

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Acts of 1941, 47th Legislature, Chapter 105, page 134, Section 4, as amended by Acts of 1959, 56th Legislature, Chapter 363, page 795, Section 4, is amended to read as follows:

"Section 4. There shall be deducted for such Fund from the wages of each fireman and policeman in the employment of such city a sum equal to five per cent (5%) of the base pay of a private. Such city shall pay into said Fund, and at the same time, a matching amount equal to the sum total of all such deductions. Provided, however, the board of trustees can raise the amount of deductions not to exceed seven and one-half per cent ($7\frac{1}{2}$) of the base pay of a private member of either of said departments, the additional contribution of the city to be likewise increased at the same time to the same amount. Any donations made to said fund and all funds received from such source for such Fund shall be deposited in like manner in such Fund. The City's matching amount referred to above shall be in addition to the net revenues from the parking meters monies referred to in Section 16 of this Act to the extent such revenue shall equal in amount the amount of the net revenues therefrom for the calendar year 1958, but such city shall receive credit on such matching amount for each calendar year to the extent such net proceeds shall exceed in amount the amount of the net proceeds from such meters for the calendar year 1958, if it should exceed such amount in any such calendar year. In the event such parking meter revenues for any calendar year is less than the 1958 amount of such parking meter revenues, it is expressly understood that such sum of revenues shall accrue to the Fund in addition to the matching amount contributed by the city mentioned in this Act, to the full extent necessary, such matching amount shall be paid out of the General Fund, and such city shall make provisions therefor. Beginning August 1, 1963, such city shall, over and above all of the foregoing contributions, contribute an additional sum of thirty thousand dol-

(\$30,000.00) each month per year to the Fund, and increase said monthly sum of five thousand dollars (\$5,000.00) per month per year for the fiscal year beginning August 1, 1964, and increasing said sum at the rate of five thousand dollars per month per year for each fiscal year thereafter until such additional contribution by the City shall reach a level of forty-five thousand dollars (\$45,000.00) per month, whereupon said City shall continue to contribute the said sum of forty-five thousand dollars (\$45,000.00) per month each and every month thereafter until such time as the Board notifies the City that the Fund is actuarially sound. It shall be the duty of the Board to notify the city immediately, when, by continuous periodic actuarial surveys of the actuarial soundness of the Fund, the Fund becomes actuarially sound.

Section 2. Acts of 1941, 47th Legislature, Chapter 105, page 134, Section 1, as amended by Acts of 1951, 52nd Legislature, Chapter 56, page 86, Section 1, and as further amended by Acts of the 56th Legislature, Chapter 363, page 795, Section 1, is amended so as to read as follows:

"BOARD OF TRUSTEES

"Section 1. In all incorporated cities containing more than Five Hundred Fifty Thousand (550,000) inhabitants and less than Six Hundred Fifty Thousand (650,000) inhabitants according to the last preceding Federal Census or any future Federal Census and having a fully paid Fire and Police Department, there is created hereby (and continued if heretofore created) a Firemen and Policemen's Pension Fund; provided, however that once such pension system becomes operative in any city, any right or privilege accruing to any such member thereunder shall be a vested right and the same shall not be denied or abridged thereafter through any change in population of any such city taking out of the population (as herein prescribed) and said pension system shall continue to operate and function regardless of whether or not any future population exceeds of falls below said population. To govern said Firemen and Policemen's Pension Fund, there is hereby created a Board of Trustees to consist of seven (7) members, as follows: the mayor, two (2) aldermen, councilmen or commissioners, each to serve on this Board

for the term of office to which they are elected, and to be elected to this Board by majority vote of the Board of Aldermen, Council or Board of Commissioners on which they serve; two (2) active firemen below the rank of Fire Chief, to be selected by the Majority vote of the members of the fire department by secret ballot, one for a term of two (2) years, and the other for a term of four (4) years, and two (2) active policemen below the grade of Police Chief, to be selected by the majority vote of the members of the police department, by secret ballot, one (1) for a term of two (2) years, and the other for a term of four (4) years. All members from the fire and police department shall be elected by the contributors to the Fund, and shall serve until their successors are elected and qualified and their successors shall be elected for a term of four (4) years. These seven (7) trustees and their successors shall constitute the Board of Trustees of the Firemen and Policemen's Pension Fund, to provide for the disbursement of same, and to designate the beneficiaries thereof, and to have complete and independent control over said Pension Fund. Said Board shall be known as the Firemen and Policemen's Pension Fund Board of Trustees of —, Texas."

Section 3. Acts of 1941, 47th Legislature, Chapter 105, page 134, Section 17, as amended by Acts of 1955, 54th Legislature, Chapter 242, page 673, Section 1, and as further amended by Acts of the 56th Legislature, Chapter 363, page 795, Section 15, is amended so as to read as follows:

"RESERVE RETIREMENT FUND

"Section 17. At the end of the fiscal year all money paid into the Fund that remains as a surplus over and above the orders for payments as issued by the Board, shall be paid into the Reserve Retirement Fund to accumulate at interest for the benefit of the Reserve Funds needs. All such Funds as may accumulate in this Special Retirement Reserve shall be invested at regular intervals or at such times as the accumulations justify. The Funds may be invested in the following manner:

1. A sum not to exceed ten per cent (10%) may be deposited with a Federal Credit Union restricted to employees of the City.

2. A sum not to exceed fifteen per

cent (15%) may be invested in savings and loan associations which are insured by the Federal Saving & Loan Insurance Corporation, but the amount invested in any one association shall not exceed Ten Thousand Dollars (\$10,000.00), insured by such corporation under the law.

3. A sum not to exceed fifty per cent (50%) of the principal value of the fund may be invested in shares of open and investment companies, closed end investment companies, Common or Preferred stocks in any solvent dividend-paying corporation at the time of purchase incorporated under the laws of the state, or any other state in the United States, which has not defaulted in the payment of any of its obligations for a period of five years immediately preceding the date of investment, provided such funds may not be invested in the stock of any oil, manufacturing or mercantile corporation, organized under the laws of this state, or any other state of the United States, unless said corporation has at the time of investment a net worth of not less than Two Million Five Hundred Thousand Dollars (\$2,500,000.00).

Of this percentage a sum not to exceed 50% thereof may be invested in shares of capital stock of national banks having been established at least ten (10) years and having a capitalization of at least Five Million Dollars (\$5,000,000.00), and/or shares of capital stock of life insurance companies, and/or fire and casualty insurance companies having been established at least twenty-five (25) years and having a capitalization of at least Five Million Dollars (\$5,000,000.00).

4. A sum not to exceed fifty per cent (50%) may be invested in first mortgage bonds or debentures of any solvent dividend-paying corporation which at the time of purchase was incorporated under the laws of this state or any other state in the United States and which has not defaulted in the payment of any debt within five (5) years next preceding such investment.

5. The entire Fund or any portion thereof, may be invested in United States Treasury Notes, United States Treasury Bonds, Bonds of the State of Texas, or bonds of any county or municipality of the State of Texas; or bonds or debentures, payment of which is guaranteed by an agency of the United States Government, such

as Federal Intermediate Credit Bank debentures; Federal Land Bank Bonds; Federal Home Loan Bank Notes; Banks for cooperative Debentures; Federal National Mortgage Association Notes and any additional bonds which may be in the future issued, secured by an agency of the United States Government. The Board shall have the power to make these investments for the sole benefit of this Reserve Retirement Fund. The investment shall remain in the custody of the Treasurer in the same manner as provided for the custody of the funds. The Board shall have the power and authority, by a majority vote of its members, to disburse the monies accumulated as the retirement needs arise."

Section 4. Acts of 1941, 47th Legislature, Chapter 105, page 184, is amended to add as a new section thereto, to be known as Section 25, and to read as follows:

"GROUP II FUND, MEMBERS, BENEFITS, ETC.

"Section 25. All members of the Fund, or probationers subsequently becoming members of the Fund, as of the effective date of this act shall be known as and constitute Group I Fund members to which all existing provisions of this statute shall apply, except as set forth herein to be applicable only to Group II members and the Group II Fund. On and after the effective date of this Act there shall be established in any city coming under the provisions of this statute a separate Group II Fund for all duly appointed and enrolled members of the Fire and Police Departments whose probationary period of service began after such effective date (and who successfully complete such probationary period) and such members of said Departments will be Group II members of said Group II Fund under the provisions hereinafter set out:

(1) All existing provisions of this statute, codified as Article 6243f V.A.T.S., shall fully apply to such Group II Fund and to said Group II members except as herein specifically changed as to such Fund and Members, or as changed by necessary implication.

(2) Payroll deductions from Group II Members shall in each case be an amount equal to seven and one-half per cent (7½%) of a base figure of \$380.00 per month per Group II Member and City shall exactly match the sum of all such deductions as made.

(3) No provision of this statute respecting parking meter money applies to Group II Fund or its Members. Donations must be made specifically to Group II Fund or otherwise shall be placed in Group I Fund.

(4) Retirement benefits for Group II Members shall be as follows, stated in percentages of the base figure of \$380.00 per month as of the time of any such application and payable monthly:

(a) Twenty (20) years service and less than twenty-five (25) years service: twenty-nine per cent (29%).

(b) Twenty-five (25) years service and less than thirty (30) years service: thirty-six per cent (36%).

(c) Thirty (30) years service, or more: forty-four per cent (44%).

(d) Disability retirement (without regard to length of service): thirty-six per cent (36%).

(5) Benefits for beneficiaries of Group II Members shall be, in the case of widows, or widows and children, as follows:

(a) Where retired Member served more than twenty (20) and less than twenty-five (25) years: twenty-nine per cent (29%).

(b) Where retired Member served more than twenty-five (25) years: thirty-six per cent (36%).

(c) Where Member dies on active duty or is retired for disability, without regard to length of service: thirty-six per cent (36%). In the case of child or children alone such pension shall be eighteen per cent (18%) except that in the event the Member retired with less than twenty-five (25) years service it shall be fourteen per cent (14%). Dependent parents shall receive and divide twenty-four per cent (24%) and a dependant parent shall receive eighteen per cent (18%).

(6) All monies paid into the Group II Fund through payroll deductions, contributions, donations, and any other source, shall be deposited into a Fund to be designated as the "Firemen and Policemen's Pension Fund—Group II," and to be administered by the Board in the same manner and under the same provisions of this Statute as the Group I Fund, except as specifically changed by this Act. The treasurer shall establish and strictly maintain an entirely separate system of accounts for the Group II Fund and the monies of the two Funds shall be strictly segregated at all times for all purposes, including investments.

(7) Disability pensions of Group II Members may be changed in the manner set out under the provisions of Section 15 (a) of this Act, except that the maximum award shall be thirty-six per cent (36%) of the base pay of a private as of the time of the original granting of the pension to be changed."

PARTIAL INVALIDITY

Section 5. If any part or parts of this Act shall be held unconstitutional, such constitutionality shall not affect the validity of the remaining parts of this Act and the Legislature hereby declared that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

Section 6. The fact that the Firemen and Policemen's Pension Fund is inadequately financed, and has an actuarial deficit or unfunded liability; and the further fact that continuation of present benefits for future firemen and policemen would either increase this unfunded liability, and eventually bankrupt the Fund, or impose a heavy tax burden on the entire populace of each community embraced in this Act, or require the eventual curtailment of present benefits to present members of the Fund in violation of the moral obligation to continue same; and the fact that a sound, substantial pension Fund is a prime necessity for the recruitment, retention and good morale of firemen and policemen of the cities covered hereby, who are engaged in hazardous duties, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be, and the same is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

House Bill 601 Re-referred

On motion of Senator Herring and by unanimous consent H. B. No. 601 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on Insurance.

House Bill 162 Re-referred

On motion of Senator Kennard and by unanimous consent H. B. No. 162 was withdrawn from the Committee

on Jurisprudence and re-referred to the Committee on Public Health.

Senate Concurrent Resolution 75 on First Reading

Senator Spears moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	

Absent—Excused

Hall Word

The following resolution was then introduced, read first time and referred to the committee indicated:

S. C. R. No. 75, Granting Laura E. Brennan et al. permission to sue the State.

Whereas, Petitioner, Laura E. Brennan, a widow, Individually and as Independent Executrix of the Estate of Frances E. Kelly, deceased, alleges that she, and/or her predecessors in title, owned prior to January 1, 1960, an undivided $\frac{1}{2}$ interest in and to the oil, gas and other minerals under the following described acreage; and

Whereas, Petitioner further alleges that subsequent to January 1, 1960, the said Petitioner owned and does presently own an undivided $\frac{1}{2}$ interest in and to the oil, gas and other minerals under the lands hereinafter described, all of which are subject to those certain Oil and Gas Leases, the first dated July 31, 1946, from George E. Shelley, James W. McClen-

don, Mrs. Laura E. Brennan, a widow, and Mrs. Frances E. Kelly, a widow, George Randle James and Ashby Minor James, Independent Executors of the estate of Mattie B. Iglehart, deceased, and individually, to O. K. Crow, which Lease is recorded in Volume 14, page 271, Oil and Gas Lease records of Aransas County, Texas, and the second dated July 31, 1947, from T. B. Kellum, Administrator de bonis non of Estate of Franz Fiset, deceased, Katherine Fiset Jones and husband, J. Fielding Jones to O. K. Crow, recorded in Volume 16, page 184, Oil and Gas Lease Records, Aransas County, Texas, both of which cover the following described acreage in Aransas County, Texas, to-wit:

TRACT 1 of Six Hundred Thirty-six (636) acres: Being Six Hundred Thirty-six (636) acres of land, more or less, a part of the league of land surveyed by Isaac E. Robertson, assignee of William Lewis, and being the same land an undivided interest in which was conveyed by American National Bank, of Austin, Texas, to Mrs. Kate J. Edwards, by deed recorded in Vol. K-2, page 383, Deed Records, of Aransas County, Texas, and described as following: BEGINNING at the Southwest corner of said tract of 636 acres allotted to Lillian Vineyard in partition proceedings in Cause No. 424 in the District Court of Aransas County, Texas, in fence; THENCE South 17' East with said fence 1559.1 varas to said corner of said fence for Southwest corner of this tract; THENCE N. 89 deg. 56' East with another fence 1122 varas to a corner of same; THENCE South 1 deg. 39' West with another fence at 304.5 varas to another corner of said fence; THENCE N. 89 deg. 19' E. with another fence 1228 varas to a stake on the West shore of St. Charles Bay; THENCE following said West shore of St. Charles Bay with its meanders in a northerly direction to the S. E. corner of said tract of 636 acres allotted to Lillian Vineyard; THENCE West with the South line of said 636-acre tract heretofore allotted to Miss Lillian Vineyard in said suit, 2578 varas to the place of beginning. If upon actual survey or otherwise determined there is found to be more than 636 acres in the above described tract belonging to the above named lessors, it is our intention that said additional acreage (and its accretions in the event said

additional acreage is found to be adjacent or in St. Charles Bay) be covered by and included in this Lease;

TRACT 2: All those following described tracts, lots or parcels of land as set forth and described in the deed of partition in Cause No. 1047 styled Lillian Vineyard vs. Fannie W. Heard, et al., and recorded in Vol. 4, Minutes of the District Court of Aransas County, Texas, on pages 357 et seq., and map thereof duly recorded in said partition suit and made a part thereof; all of Tract No. 2 out of Reserve "D" Survey—117.55 acres; and all of the following Outlots: Nos. 98, 99, 91, 92, 93, 95, 97, 83, 84, 85, 86, 87, 88, 89, 104 and 105. AND ALSO Outlots Nos. 73, 74, 75, 76, 77, 81, 110, 111 and 112; also a strip 70 feet wide off the West side of Outlots Nos. 83, 84, 91 and 97; and a strip 70 feet wide off the South side, and a strip 70 feet wide off the East side of a tract of 117.55 acres out of Reserve "D"; all on Lamar Peninsula in Aransas County, Texas; and

Whereas, Petitioner further alleges that by Deed dated August 25, 1934, which is recorded in Volume P-1, page 303, Deed Records, Aransas County, Texas, Kate J. Edwards, a widow, George E. Shelley and James W. McCleendon conveyed the following described lands to the State of Texas, an undivided 11/12 interest in the following described lands, being a part of the 938.87 acre tract described above, to-wit:

Outlots Nos. Seventy-three (73), Seventy-four (74), Seventy-five (75), Seventy-six (76), Seventy-seven (77), Seventy-nine (79), Eighty-one (81) and Eighty-two (82). Also a strip of land seventy feet (70') wide off of the west side of Outlots Nos. Eighty-three (83), Eighty-four (84), Ninety-one (91) and Ninety-seven (97); and a strip of land seventy feet (70') wide off of the East side, and a strip of land seventy feet (70') wide off of the South side of a tract of One Hundred Seventeen and Fifty-five One-hundredths (117.55) acres out of Reservation D of said Town Tract of Lamar; all as shown by map or plat of date May 7, 1877, made by M. W. McRoe, et al., Commissioners appointed to make partition of land in the case of Fanny Heard, Guardian, vs. S. C. Vineyard, et al., which is of record in Aransas County, Texas, and to which said plat reference is here made for further particulars; said premises

being also a portion of those premises set apart to the grantor Mrs. Kate J. Edwards, and designated "Share No. 2" in a certain partition proceeding had in Cause No. 1047 in the District Court of Aransas County, Texas, entitled Lillian Vineyard vs. Fannie W. Heard, et al., to which decree of partition in said cause reference is here made for all further particulars. The premises hereby conveyed, according to said plat, contain approximately Seventy-six (76) acres of land, reserving therefrom "... all mineral rights in and under the [described premises] with full power to lease and develop said premises for oil, gas and other minerals; provided that in any lease or leases made by them of said premises or any part thereof the Grantee shall have 1/2 of all royalties reserved and provided for in any such lease or leases."; and

Whereas, Petitioner further alleges that by Deed dated October 24, 1934, recorded in Volume P-2, page 316, of the Deed Records of Aransas County, Texas, from T. B. Killum, Administrator de bonis non with Will annexed of the Estate of Franz Fiset, deceased, conveyed to the State of Texas a 1/12 interest in the same properties, reserving a like interest in Grantor as above; and

Whereas, Petitioner further alleges that thereafter at sometime prior to January 1, 1960, commercial production of oil and/or gas was had on the 938.87 acres, but on no part of the 76 acres hereinabove described transferred to the State of Texas; and

Whereas, Petitioner further alleges that since production was had on the said 938.87 acres, the State of Texas through the Texas State Parks Board has received 1/16 of 76/938.87 of the total production of oil and/or gas from said 938.87 acres; and

Whereas, Petitioner further alleges that she, by virtue of her ownership stated above, claims a 2/3 interest in and to the royalties paid to the Texas State Parks Board prior to January 1, 1960, and to 1/3 of said royalties paid since January 1, 1960; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that the Petitioner above named be and she is hereby granted permission to bring suit against the State of Texas in any Court of competent jurisdiction of the State of Texas within two years of the effective date of this resolution to

recover judgment against the State of Texas for title to the lands and minerals described hereinabove owned by the above named party and to declare the rights of Petitioner and the State of Texas to the royalties the ownership of which is in question as above and for an accounting of the royalties heretofore paid to the State of Texas accruing from oil and gas production on said premises and for such other and further relief as the Courts may deem necessary; and be it further

Resolved, That nothing herein shall be construed as an admission on the part of the State of Texas, or any of the Departments or Agencies of the State of Texas, or any of the political subdivisions of the State of Texas, as to the validity of any allegations or claims asserted in said suits, but that all allegations and claims asserted in said suit must be proved as in other suits under the same rules of evidence and the same laws as apply in and govern the trial of other civil cases; and, be it further

Resolved, That nothing herein shall be construed as a waiver of any defenses, of fact as well as of law, that may be asserted by or available to the State of Texas, or any of the Departments or Agencies of the State of Texas, or any of the political subdivisions of the State of Texas, in said suit, but all such defenses are hereby specifically reserved.

Service of citation for the purposes herein granted may be served upon the State of Texas by serving the Attorney General and the Chairman of the Texas State Parks Board.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Bill 105 with House Amendments

Senator Moore called S. B. No. 105 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Moore moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Reagan, Chairman; Crump, Herring, Krueger and Moore.

House Bill 1022 on Second Reading

Senator Hardeman moved that Senate Rules 13, 32 and 38 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 1022 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	

Absent—Excused

Hall Word

The President then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 1022, A bill to be entitled "An Act amending Chapter 78, Acts of the 57th Legislature, Third Called Session, 1962, by inserting a new Section 2A providing for the appointment of the Juvenile and Probation Officer of Runnels County by the Juvenile Board; describing his duties; providing for his compensation; and declaring an emergency."

The bill was read the second time and was passed to third reading.

House Bill 1022 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President laid H. B. No. 1022 before the Senate

on its third reading and final passage.

The bill was read the third time and was passed.

Report of Standing Committee

Senator Crump by unanimous consent submitted the following report:

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 558, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CRUMP, Chairman.

(Senator Blanchard in the Chair.)

Report of Standing Committee

Senator Colson by unanimous consent submitted the following report:

Austin, Texas,
May 13, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred H. B. No. 162, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

COLSON, Chairman.

House Bill 162 Ordered Not Printed

On motion of Senator Kennard and by unanimous consent H. B. No. 162 was ordered not printed.

Senate Concurrence Resolution 76

Senator Bates offered the following resolution:

S. C. R. No. 76, State Board of Texas State Hospitals and Special Schools to negotiate for land of Harlingen Air Force Base:

Whereas, Certain property owned by the United States of America comprising various buildings and facilities, including utility services, located in the City of Harlingen, County of Cameron, State of Texas, and comprising the Harlingen Air Force

Base; has been declared surplus and is subject to disposition by the Secretary of the Department of Health, Education and Welfare; and

Whereas, The City of Harlingen, a municipal corporation, in Cameron County, Texas, owns the land underlying said buildings and facilities; and

Whereas, The Board for Texas State Hospitals and Special Schools is in need of a portion of said property and can utilize same for the establishment of a mental health hospital and mental health out-patient clinic, to wit: Building formerly used as the base hospital at said Harlingen Air Force Base, to be acquired by conveyance from the United States of America, free of any payment; fifteen (15) acres of land underlying and surrounding said hospital building to be acquired by conveyance from the City of Harlingen, free of any payment; and

Whereas, It is the desire of the Board for Texas State Hospitals and Special Schools, the governing authority of hospitals for mental health in this state, to make such application; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that the Board for Texas State Hospitals and Special Schools, or the successors in function of said Board, be and is hereby designated as the proper agency of this state to negotiate for and acquire such land and building; such Board through its duly authorized agents and employees is hereby authorized to do any and all things necessary and proper to procure acquisition of and to accept the property approved for transfer by the Department of Health, Education and Welfare and the City of Harlingen, Texas.

The resolution was read.

Senator Bates asked unanimous consent to consider the resolution immediately.

Question—Shall S. C. R. No. 76 be considered immediately?

Welcome and Congratulatory Resolutions

S. R. No. 523—By Senator Cole: Extending congratulations to administration, students and athletes and coaches of Texas Southern University.

S. R. No. 525—By Senator Har-

rington: Extending welcome to former Senator W. R. Cousins et al. of Beaumont.

S. R. No. 527—By Senator Word: Extending welcome to teachers and students of Ella E. Hughes School of Keene.

S. R. No. 528—By Senator Herring: Extending welcome to Senior Citizens of Austin during Senior Citizens Week.

S. R. No. 529—By Senator Blanchard: Extending welcome to teachers and students of Anton High School in Anton.

Recess

On motion of Senator Aikin the Senate at 5:01 p.m. o'clock took recess until 10:30 'clock a.m. tomorrow.

SIXTY-SEVENTH DAY (Continued)

(Tuesday, May 14, 1963)

After Recess

The Senate met at 10:30 o'clock a.m., and was called to order by the President.

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 14, 1963.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House refused to concur in Senate amendments to House Bill No. 688 and has requested the appointment of a Conference Committee to consider the differences between the two Houses. House has appointed the following Conference Committee: Doke, chairman; Butler, Cook, Jarvis, Stuart.

The House has granted the request of the Senate for the appointment of a new Conference Committee on Senate Bill No. 231. House has appointed following Conference Committee: Haines, chairman; Atwell, Canales, Coughran, Schiller.

H. C. R. No. 63, Granting permis-

sion to Andrew G. Buckner and wife to sue.

H. B. No. 8, A bill to be entitled "An Act creating the Commission on Organization of the Executive Branch of the Government and providing for its powers, duties and procedures, and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk House of Representatives

Senate Bill 5 Laid on Table Subject to Call

On motion of Senator Ratliff and by unanimous consent S. B. No. 5 was Laid on the Table Subject to Call.

Senate Bill 514 on First Reading

Senator Herring moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson

Absent

Kennard

Absent—Excused

Hall

Word

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Herring:

S. B. No. 514, A bill to be entitled "An Act repealing Article 1348, Texas Revised Civil Statutes, 1925; amending Article 1302-2.06 of the Texas